

IN THE COUNTY COURT OF DOUGLAS COUNTY, NEBRASKA

Doc. *C 3* No. *150*

In the Matter of the Petition of OMAHA PUBLIC POWER DISTRICT, a Public Corporation, of Omaha, Nebraska, to acquire a right of way easement across lands in Douglas County, Nebraska, by eminent domain for the purpose of constructing, operating and maintaining transmission lines for the transmission of electricity.

REPORT OF APPRAISERS

OMAHA PUBLIC POWER DISTRICT,
a Public Corporation,

Condemner,

vs.

WILLIAM S. BARNARD, SINGLE; ~~MARY~~
~~PROCOPIO, TRUSTEE~~; ELLA RYCHLY,
WIDOW,

Condemnees.

CONFIDENTIAL

Come now the undersigned appraisers duly appointed in this matter to assess the damages that have been sustained by the owners and other persons interested in the premises hereinafter described, and we do hereby respectfully report that after subscribing the oath at the time and place appointed by the Court and as required by law we proceeded in a body to view the lands in the respective parcels involved herein and there fully informed ourselves in said matter and heard the evidence as offered by the interested parties.

We took into consideration the fact that the condemner proposes to construct, operate and maintain electric transmission lines together with necessary poles, towers, footings, down-guys, anchors, conductors and shield wires, from the petitioner's switching station, at approximately 8900 South 36th Street in South Omaha, to the petitioner's switching station at 108th and Blondo Streets in Northwest Omaha, for the purpose of transmitting electricity to provide power and energy to the customers of the petitioner in the State of Nebraska and that it is necessary that said transmission lines be constructed and that such poles, towers, footings, down-guys, anchors, conductors and shield wires be erected and placed over, upon, along, under and across the lands hereinafter described, and also described on the plats of the parcels attached hereto as Exhibit "A" and by reference made a part hereof.

We further took into consideration the fact that said transmission lines are generally described as underground lines as well as two-pole H-frame overhead transmission lines; that the poles of each said H-frame shall be placed twenty-five feet to forty feet apart and shall be approximately eighty to one hundred fifty feet in height; that where required, steel towers will be constructed in place of said H-frame poles; that the dimensions of said towers vary, being approximately twenty-five to forty feet square at the bottom and approximately ninety-five to two hundred feet tall; and that all clearances of the wires above the ground will comply with the rules and regulations of the Nebraska State Railway Commission and the National Electrical Safety Code.

We further took into consideration the fact that the condemner requires a perpetual easement for a right of way One Hundred Sixty feet in width, as described herein and on the Exhibit attached hereto, together with all rights and privileges incident to the use and enjoyment thereof, including the right of ingress and egress along said easement, the right to trim and remove underbrush and trees to a safe clearance; the right to remove all obstructions within said right of way, which obstructions, in the condemner's opinion, would be a hazard to said lines or otherwise; the right to prohibit the changing or altering of the grade of said right of way as it now exists; and the right to locate, erect, relocate, construct, reconstruct, operate, maintain and repair one or more electric transmission lines, together with such poles, towers, footings, down-guys, anchors, conductors, shield wires and other necessary transmission facilities, over, upon, along, under and above the right of way across the real estate hereinafter described.

Being fully advised in the premises, we do hereby find, fix and assess the damages sustained by reason of the appropriation of a permanent easement and right of way for the construction, operation and maintenance of the condemner's electric transmission lines on and across the parcels of land described in the petition filed herein and in the plats of said lands attached hereto, marked Exhibit "A", and hereby made a part hereof.

Parcel No. 1g

Description of Parcel: Part of the Southwest Quarter (SW1/4) of Section Thirty-five (35), Township Fifteen (15) North, Range Twelve (12), East of the 6th P.M., Douglas County, Nebraska, lying South of the Union Pacific Railroad right of way and Southwest of the Big Papillion Creek.

Description of Easement: A strip of land One Hundred Sixty feet (160') in width, Eighty feet (80') on each side of and parallel to the following described reference line: Beginning at a point Thirty-three feet (33') North of and approximately Nine Hundred Sixty-five feet (965') East of the Southwest corner of said Southwest Quarter (SW1/4); thence in a Northwesterly direction to a point of turning located approximately One Hundred Eighteen feet (118') North of and approximately Nine Hundred Eleven feet (911') East of the aforesaid corner; thence continuing in a Northwesterly direction to a point of leaving located on the South right of way line of the Union Pacific Railroad, approximately Seven Hundred Seventy feet (770') East of the West line of said Southwest Quarter (SW1/4), also a strip of land Forty feet (40') in width, Twenty feet (20') on each side of and parallel to the following reference line: Beginning at the above stated point of turning; thence in a Southwesterly direction to a point located approximately Fifty-eight feet (58') North of and approximately Eight Hundred Four feet (804') East of the aforesaid Southwest corner, also a strip of land Ten feet (10') in width, Five feet (5') on each side of and parallel to the following described reference line: Beginning at a point on the above described reference line approximately Twelve feet (12') South of the aforesaid South right of way line and approximately Seven Hundred Seventy-four feet (774') East of the aforesaid West line; thence in a Southwesterly direction to a point approximately Fifty-nine feet (59') South of the aforesaid South right of way line and approximately Six Hundred Twenty-five feet (625') East of the aforesaid West line.

Owner: William S. Barnard \$ 8,500.00

Parcel No. 2g

Description of Parcel: Part of the West One-half of the South One-half of the North Two-Fifths of the Northwest Quarter (W1/2 S1/2 N2/5 NW1/4) of Section Two (2), Township Fourteen (14) North, Range Twelve (12), East of the 6th P.M., Douglas County, Nebraska.

Description of Easement: Beginning at a point approximately Five Hundred Fifty feet (550') South of and approximately One Thousand Two Hundred Seventy-three feet (1,273') East of the Northwest corner of said Northwest Quarter (NW1/4); thence in a Southeasterly direction to a point of turning located approximately Six Hundred Twenty-one feet (621') South of and approximately One Thousand Three Hundred Nineteen feet (1,319') East of the aforesaid Northwest corner; thence in a Northerly direction and parallel to the West line of said Northwest Quarter (NW1/4) a distance of Seventy-one feet (71'); thence West and parallel to the North line of aforesaid Northwest Quarter (NW1/4) a distance of approximately Forty-six feet (46') and point of beginning.

Owner: Mary Procopio, Trustee

\$ _____

Parcel No. 3g

Description of Parcel: The North Five Hundred Forty-seven and 101/250' (N 547 101/250') feet of the Northwest Quarter of the Northwest Quarter (NW1/4 NW1/4) and the North One Thousand Sixty-one and 202/250' (N1,061 202/250') of the Northeast Quarter of the Northwest Quarter (NE1/4 NW1/4) lying West of the centerline of the Big Papillion Creek, all in Section Two (2), Township Fourteen (14) North, Range Twelve (12), East of the 6th P.M., Douglas County, Nebraska.

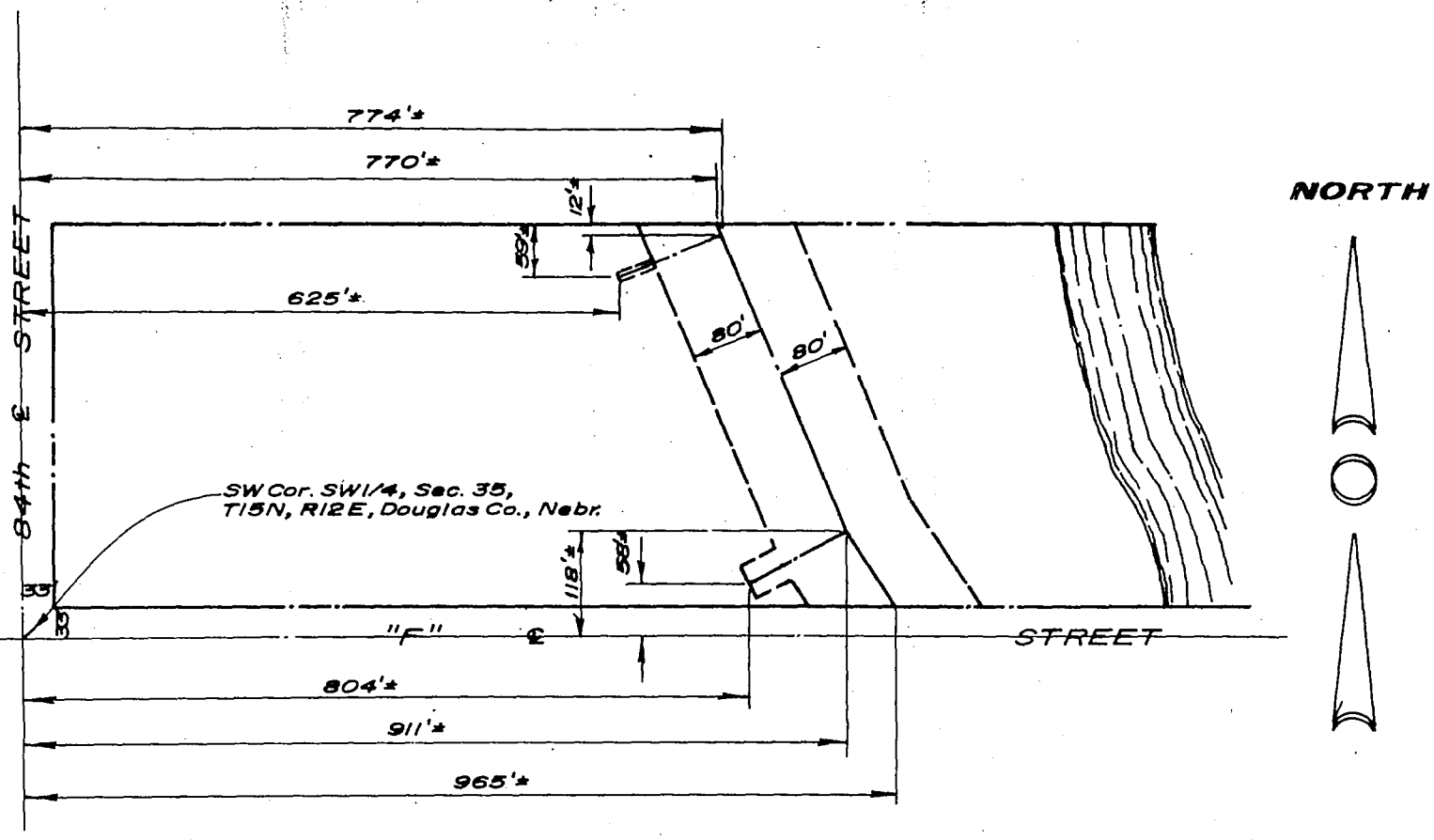
Description of Easement: A strip of land One Hundred Sixty feet (160') in width, Eighty feet (80') on each side of and parallel to the following described reference line: Beginning at a point approximately One Thousand Sixty-one feet (1,061') South and approximately One Thousand Seven Hundred Four feet (1,704') East of the Northwest corner of said Northwest Quarter (NW1/4); thence in a Northwesterly direction to a point of leaving located on the North line thereof; approximately One Thousand Fifteen feet (1,015') East of the aforesaid Northwest corner.

Owner: Ella Rychly, Widow

\$ 18,200.00Dated at Omaha, Nebraska, this 10th day ofApril, 1968.Paul M. BrownMary A. Van ArcturoPaul F. Kelle

We made no award concerning the parcel designated as Parcel No. 2g, fully described herein and owned by Mary Procopio, Trustee, for the reason that a Stipulation of Settlement has been filed herein evidencing settlement as a result of negotiation between the Condemner and Mary Procopio, Trustee, Condemnee, wherein Omaha Public Power District has paid good and valuable consideration to Mary Procopio and others for the easement sought by this condemnation.

Paul M. BrownMary A. Van ArcturoPaul F. Kelle



LEGEND

- Property Line
- · — · — Reference Line
- - - - - Limits of O. P. P. D. Easement

1 - Legal Description

Part of the SW 1/4 of Sec. 35, T15N, R12, E 6th P.M., Douglas County, Nebraska, lying South of the Union Pacific Railroad R/W and SW of the Big Papillion Creek.

2 - Easement area

A strip of land 160' in width, 80' on each side of and parallel to the following described reference line: Beginning at a point 33' North of and approximately 965' East of the SW corner of said SW 1/4; thence in a Northwesterly direction to a point of turning located approximately 118' North of and approximately 911' East of the aforesaid SW corner; thence continuing in a Northwesterly direction to a point of leaving located on the South R/W line of the Union Pacific Railroad, approximately 770' East of the West line of said SW 1/4, also a strip of land 40' in width, 20' on each side of and parallel to the following reference line: Beginning at the above stated point of turning; thence in a Southwesterly direction to a point located approximately 58' North of and approximately 804' East of the aforesaid SW corner, also a strip of land 10' in width, 5' on each side of and parallel to the following described reference line: Beginning at a point on the above described reference line approximately 12' South of the aforesaid South R/W line and approximately 774' East of the aforesaid West line; thence in a Southwesterly direction to a point approximately 59' South of the aforesaid South R/W line and approximately 625' East of the aforesaid West line.

3 - Owner

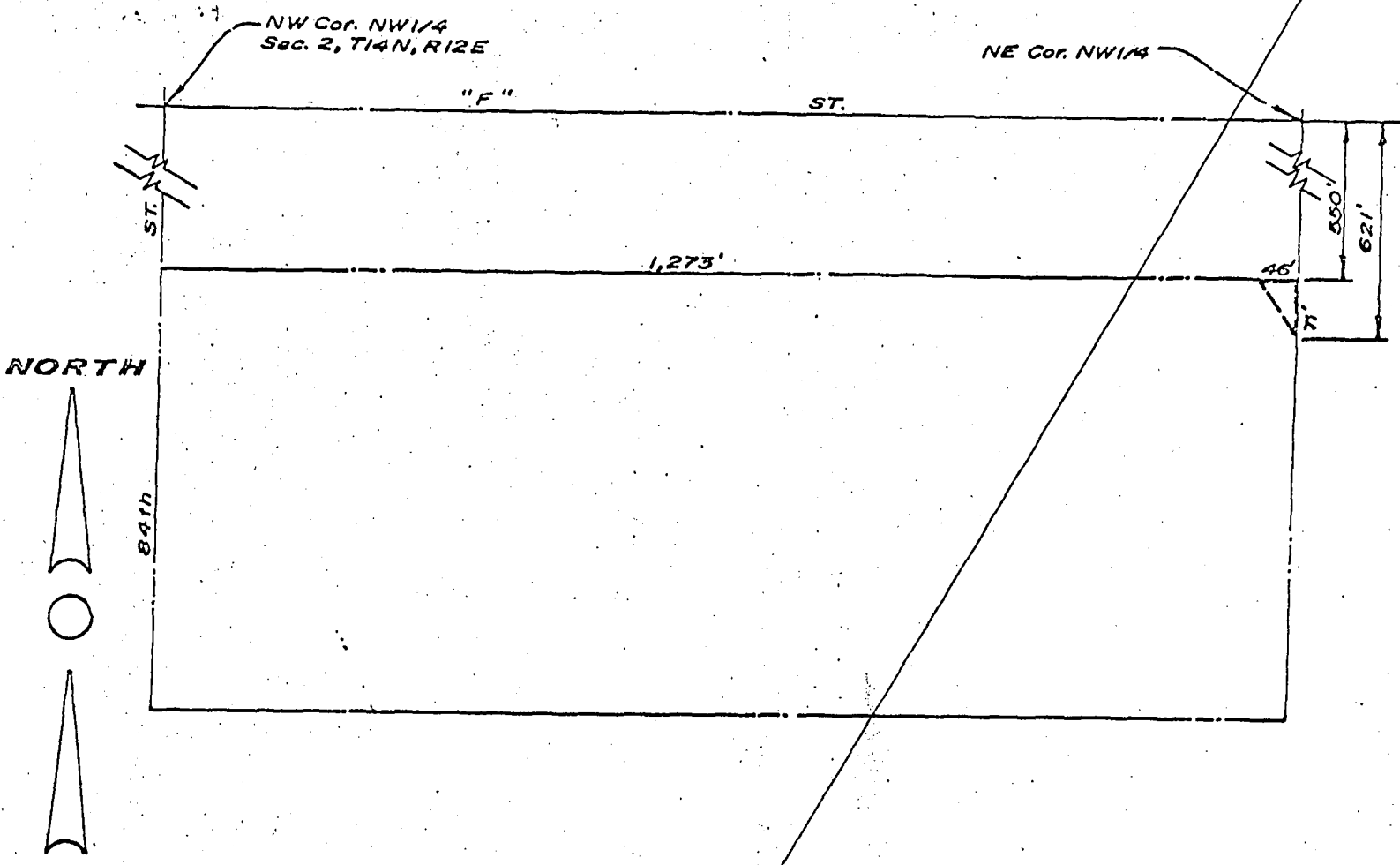
William S. Barnard

EXHIBIT "A"

Scale: 1" = 200'

Ref. No. 2.59(38)R

PARCEL NO. 19



1- Legal Description

Part of the W1/2 of the S1/2 of the N2/5 of the NW1/4 of Sec. 2, T14N, R12, E 6th P.M., Douglas County, Nebraska.

2- Easement area

Beginning at a point approximately 550' South of and approximately 1,273' East of the NW corner of said NW1/4; thence in a Southeastery direction to a point of turning located approximately 621' South of and approximately 1,319' East of the aforesaid NW corner; thence in a Northerly direction and parallel to the West line of said NW1/4 a distance of 71'; thence West and parallel to the North line of aforesaid NW1/4 a distance of approximately 46' and point of beginning.

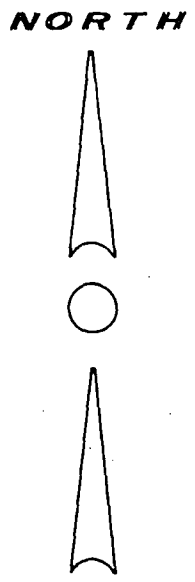
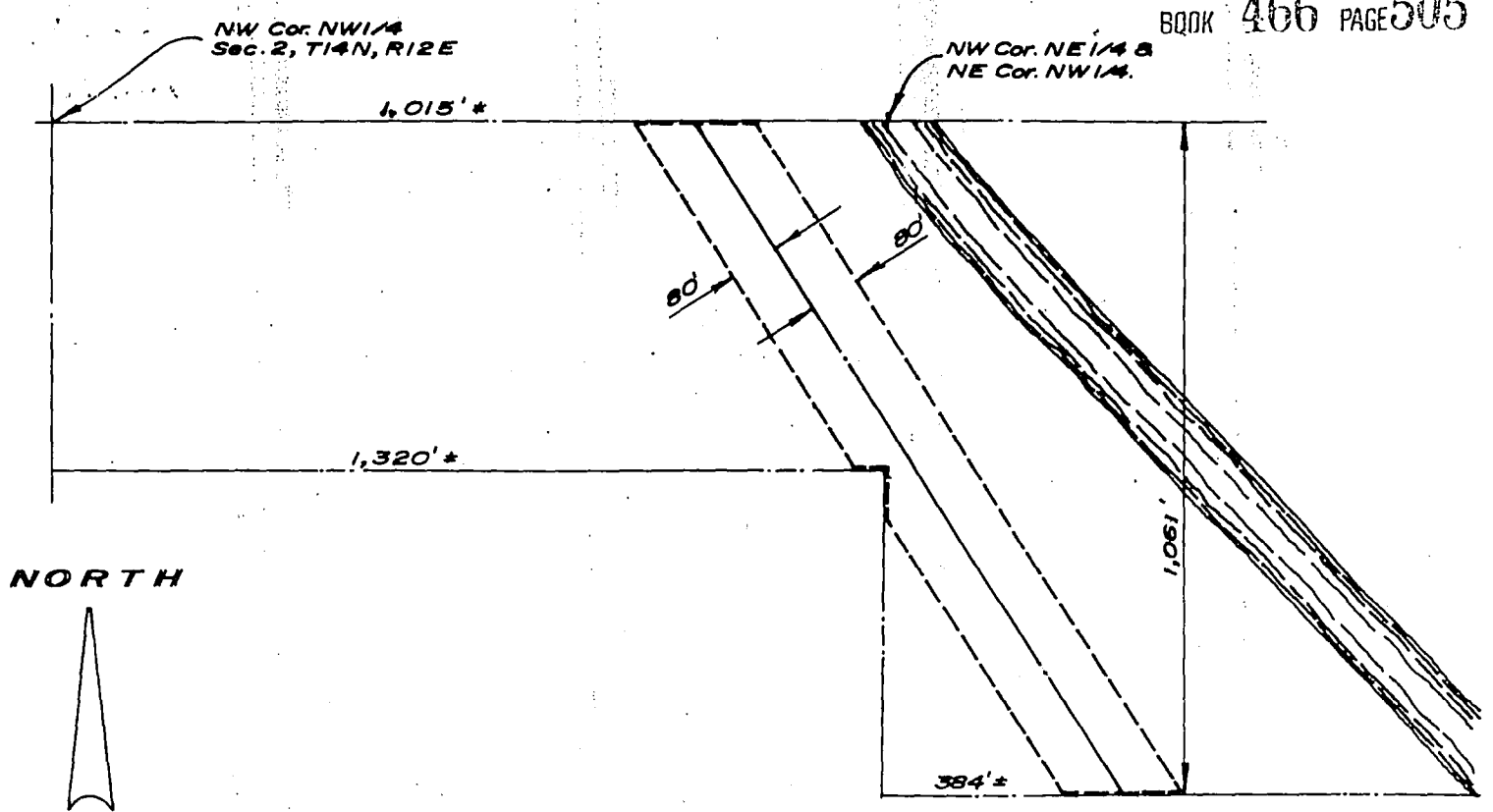
3- Owner

Mary Procopio, Trustee

LEGEND

- Property Line
- Limits of Easement

EXHIBIT "A"



1- Legal Description

The N 547 101/250' of the NW 1/4 of the NW 1/4 and the N 1061 202/250' of the NE 1/4 of the NW 1/4 lying West of the centerline of the Big Papillion Creek, all in Sec. 2, T14 N, R12, E 6th P. M., Douglas County, Nebraska.

2- Easement area

A strip of land 160' in width, 80' on each side of and parallel to the following described reference line: Beginning at a point approximately 1,061 South of and approximately 1,704' East of the NW corner of said NW 1/4; thence in a Northwesterly direction to a point of leaving located on the North line thereof; approximately 1,015' East of the aforesaid NW corner.

3- Owner

Ella Rychly, widow

LEGEND

- Property Line
- Reference Line
- Limits of Easement

EXHIBIT "A"

COUNTY COURT

DOUGLAS COUNTY

ROBERT R. TROYER, JUDGE
JOSEPH J. BELITZ, CLERK

OMAHA, NEBR.

STATE OF NEBRASKA, }
COUNTY OF DOUGLAS } SS.

I, ROBERT R. TROYER, County Judge of Douglas County, Nebraska, do hereby certify that I have compared the foregoing copy of

"REPORT OF APPRAISERS" in re:

OMAHA PUBLIC POWER DISTRICT, A Public Corporation, Condemner,

vs.

WILLIAM S. BARNARD - ELLA RYCHLY, Condemnees,

~~in the matter of the~~

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 11th day of April A. D. 19 68.

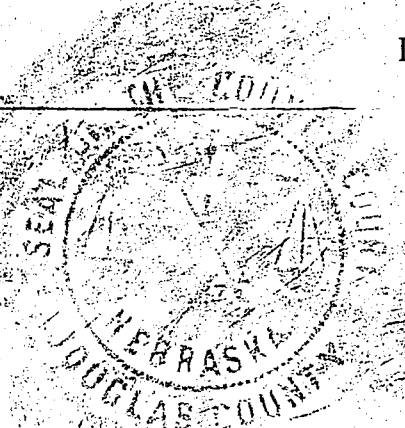
ROBERT R. TROYER

County Judge.

By

Joseph J. Belitz

Clerk of the County Court.



IN THE CO

DOUGLAS CO

RECEIVED

1968 JUL 30 PM 1 44

Register of Deeds

THOMAS J. O'CONNOR
REGISTER OF DEEDS
DOUGLAS COUNTY, NEBR.

CERTIFICATE

"REPORT OF

Entered in Numerical Index and filed for record in the Office of the Register of Deeds of said County and recorded in Book 466 of MISS

Page 499

Joseph J. Belitz
Clerk of Record

BY *Joseph J. Belitz*
Clerk of Record

G.P.N.P.C.

Compared 35-15-12 Fee 12.25
2-14-12
2-14-12
35-15-12
2-14-12
2-14-12

Miss