

IN THE COUNTY COURT OF DOUGLAS COUNTY, NEBRASKA

DOC. C4 NO. 21

In the Matter of the Application of SANITARY AND IMPROVEMENT DISTRICT NO. 193 of DOUGLAS COUNTY, NEBRASKA, to acquire certain easements in Douglas County, Nebraska by eminent domain to be owned and used by the Condemner for its corporate purposes,

CONDEMNER,

vs.

SANITARY AND IMPROVEMENT DISTRICT NO. 124 OF DOUGLAS COUNTY, NEBRASKA, DOUGLAS COUNTY TREASURER,

FRANK B. HEINTZE and BEATRICE A. HEINTZE, Husband and Wife, Owners; FORGAN INVESTMENT CO., and THE EQUITABLE LIFE ASSURANCE SOCIETY OF THE UNITED STATES, Mortgagees; OMAHA PUBLIC POWER DISTRICT and DOUGLAS COUNTY TREASURER,

REPORT OF APPRAISERS

INVESTORS HOLDINGS, INC., owner; SANITARY AND IMPROVEMENT DISTRICT NO. 95; OCCIDENTAL SAVINGS AND LOAN ASSOCIATION and WALLACE HOPKINS, GEORGE ABDOUCH and EPHRAIM MARKS, as tenants in common, Mortgagees, OMAHA PUBLIC POWER DISTRICT, DOUGLAS COUNTY TREASURER,

CONDEMNEDS.

TO THE HONORABLE ROBERT R. TROYER, COUNTY JUDGE:

Come now the undersigned, Frank J. Wear, John R. Claassen and John T. Carpenter, the duly appointed, qualified and acting appraisers in the above entitled condemnation matter, and, jointly and severally, report their acts and doings in said matter as follows:

1. The appraisers report that they were on April 3, 1969 appointed by the court as appraisers; on April 7, 1969, they took the oath as required by law and order of the court and duly fixed 10:00 a.m. on May 6, 1969 as the time and the sites of the real estate sought to be acquired as described in the Petition filed herein by the condemner as the places, for inspecting and viewing said premises and hearing any party interested therein in reference to the amount of damages and further fixed 1:30 p.m. on May 6, 1969, in the County Courtroom at Douglas County Courthouse in Omaha, Douglas County, Nebraska, as the time and place for ascertaining and assessing damages and hearing all condemnees with reference to the amount of damages; the thereupon notice of the aforesaid times and places of such viewing, inspecting and hearing was duly given, more than ten days prior to May 6, 1969, to said condemnees as named in condemnors petition of said real estate described in said petition of condemnor filed herein; and

in accordance with the aforementioned notice, the undersigned appraisers, duly and carefully inspected and viewed the real estate described in said petition and heard the several and respective interested parties thereof in reference to the respective amount of damages being sustained through such condemnation for the acquisition of said real property, all at the site at the scheduled time for said inspection and hearing as cited in the notice above referred to, and thereafter at the Douglas County Courthouse, Omaha, Nebraska, your said appraisers convened at 1:30 p.m. on May 6, 1969, and heard testimony and accepted evidence on behalf of all parties as to the damages to be sustained as a result of said condemnation; that the several and respective interested parties were present personally or through their duly authorized representatives, and participated actively in said hearings and all evidence presented was duly received by your said appraisers.

2. That, at the conclusion of said hearings of the above described the undersigned appraisers, following further conferences and deliberation, and being fully advised in the premises, do find that the full and complete damages, as a result of said condemnation, both present and future, which the condemnees have sustained, are sustaining or hereafter will sustain, are the sums hereinafter assessed and awarded, to-wit:

TRACT #1

a. Condemnee: Sanitary and Improvement District No. 124 of Douglas County, Nebraska; Douglas County Treasurer.

b. Description of Property: Permanent and temporary easements over and across Lot 8, Roxbury Addition, a Subdivision in Section 8, Township 14 North, Range 12 East, of the 6th P.M., Douglas County, Nebraska. (Owners: Sanitary and Improvement District #124 of Douglas County, Nebraska). (See Exhibit "A" attached).

PERMANENT EASEMENT:

A strip of land 40.00 feet wide and being 20.00 feet each side of the following described centerline and its prolongation;

Commencing at the North Quarter (N1/4) Corner of said Section 8; thence S 0° 39' 32" E along the east line of the Northwest Quarter (NW1/4) of said Section 8, a distance of 100.00 feet to a point in the south right of way (ROW) line of "Q" Street; thence S 89° 50' 22" W, along said south ROW line of "Q" Street,

a distance of 609.91 feet to the true point of beginning, said point also being 90.48 feet east of the Northwest Corner of said Lot 8, Roxbury Addition; thence S 22° 21' 10" E a distance of 443.89 feet to a point on the east line of said Lot 8, and containing 0.407 acres more or less.

TEMPORARY CONSTRUCTION EASEMENT:

A strip of land 100.00 feet wide and being 50.00 feet each side of the above described centerline, excluding that area described as permanent easement above; said temporary construction easement contains 1.018 acres more or less.

c. Damages of Condemnees:

Sanitary and Improvement District
No. 124 of Douglas County, Nebraska:

Permanent easement damages	\$3770.00
Temporary construction damages	100.00
TOTAL DAMAGES	<u>\$3,870.00</u>

Douglas County Treasurer NONE

TRACT #2

a. Condemnees: Frank B. Heintze and Beatrice A. Heintze, Husband and Wife, Owners; Forgan Investment Co. and The Equitable Life Assurance Society of The United States, Mortgagees; Omaha Public Power District and Douglas County Treasurer.

b. Description of Property: Permanent and temporary easements over and across or on that part of the Southwest Quarter (SW1/4) Section 5, Township 14 North, Range 12 East of the 6th P.M., Douglas County, Nebraska, lying South and East of Interstate 80 Right of Way. (Owners: Frank B. Heintze and Beatrice A. Heintze, husband and wife). (See Exhibit "B" attached).

PERMANENT EASEMENT:

That part of the above described tract more particularly described as follows:
Commencing at the South Quarter (S1/4) Corner of Section 5, Township 14 North, Range 12 East; thence N 0° 23' 41" W a distance of 100.00 feet to a point, said point being on the North right of way (ROW) line of "Q" Street; thence S 89° 50' 52" W along the North ROW line of "Q" Street, a distance of 576.84 feet to the true point of beginning; thence N 14° 34' 26" E along a line 40.00 feet from and parallel to the easterly ROW line of Interstate 80 a distance of 1,138.17 feet to a point; thence N 42° 18' 14" E along a line 40.00 feet from and parallel to the Easterly ROW line of Interstate 80 a distance of 417.11 feet to a point on the East line of the SW 1/4 of said Section 5, thence N 0° 23' 41" W along the East line of said SW 1/4 a distance of 58.99 feet to a point on the Easterly ROW line of Interstate 80; thence S 42° 18' 14" W along the Easterly ROW line of Interstate 80 a distance of 470.34 feet to a point; thence S 14° 34' 26" W continuing along

the Easterly ROW line of Interstate 80 a distance of 1,158.55 feet to a point, said point being the intersection of the Easterly ROW line of Interstate 80 and the North ROW line of "Q" Street; thence N 89° 50' 52" E along the North ROW line of "Q" Street a distance of 41.36 feet to the point of beginning, and containing 1.462 acres more or less.

TEMPORARY CONSTRUCTION EASEMENT:

That part of the above described tract more particularly described as follows:

Beginning at the above described true point of beginning; thence N 14° 34' 26" E along a line 40.00 feet from and parallel to the Easterly ROW line of Interstate 80 a distance of 1,138.17 feet to a point; thence N 42° 18' 14" E along a line 40.00 feet from and parallel to the Easterly ROW line of Interstate 80 a distance of 417.11 feet to a point on the East line of the SW 1/4 of said Section 5; thence S 0° 23' 41" E along the East line of said SW 1/4 line a distance of 162.21 feet to a point; thence S 42° 18' 14" W along a line 150.00 feet from and parallel to the Easterly ROW line of Interstate 80 a distance of 60.85 feet to a point; thence N 47° 41' 46" W a distance of 50.00 feet to a point; thence S 42° 18' 14" W along a line 100.00 feet from and parallel to the Easterly ROW line of Interstate 80 a distance of 222.24 feet to a point; thence S 14° 34' 26" W along a line 100.00 feet from and parallel to the Easterly ROW line of Interstate 80 a distance of 1,107.59 feet to a point, said point being on the North ROW line of "Q" Street; thence S 89° 50' 52" W along the North ROW line of "Q" Street a distance of 62.04 feet to the point of beginning and containing 2.167 acres more or less.

c. Damages of Condemnees:

Frank B. Heintze, Co-owner	<u>\$4,075.00</u>
Beatrice A. Heintze, Co-owner	<u>\$4,075.00</u>
Forgan Investment Co., Mortgagee	<u>NONE</u>
Equitable Life Assurance Society of The United States, mortgagee	<u>NONE (See attached Ex. A)</u>
Omaha Public Power District	<u>NONE (See attached Ex. C)</u>
Douglas County Treasurer	<u>NONE</u>

TRACT #3

a. Condemnees: Investors Holdings, Inc., owner; Sanitary and Improvement District No. 95; Occidental Savings and Loan Association and Wallace Hopkins, George Abdouch and Ephraim Marks, as tenants in common, Mortgagees, Omaha Public Power District, Douglas County Treasurer.

b. Description of Property: Permanent and temporary easements over and across that part of the Southeast Quarter (SE1/4), Section 5, Township 14 North, Range 12 East of the 6th P.M., Douglas County, Nebraska, lying south and east of Interstate 80 Right of Way and south of "L" Street Right of Way Line. (Owners: Investors Holdings, Inc.) (See Exhibit "C" attached).

PERMANENT EASEMENT:

That part of the above described tract more particularly described as follows:

Commencing at the South Quarter (S1/4) Corner of Section 5, Township 14 North, Range 12 East; thence N 0° 23' 41" W along the west line of said SE 1/4 of said Section 5 a distance of 1,408.54 feet to the true point of beginning; thence N 42° 18' 14" E along a line 40.00 feet from and parallel to the Easterly Right of Way (ROW) line of Interstate 80 a distance of 45.69 feet to a point; thence N 35° 36' 30" E along a line 40.00 feet from and parallel to the Easterly ROW line of Interstate 80 a distance of 99.55 feet to a point; thence N 63° 12' 06" E along a line 40.00 feet from and parallel to the Easterly ROW line of Interstate 80 a distance of 493.44 feet to a point; thence N 43° 12' 06" E along a line 40.00 feet from and parallel to the Easterly ROW line of Interstate 80 a distance of 375.70 feet to a point; thence N 66° 15' 06" E along a line 40.00 feet from and parallel to the Easterly ROW line of Interstate 80 a distance of 626.21 feet to a point; thence N 84° 03' 06" E along a line 40.00 feet from and parallel to the Easterly ROW line of Interstate 80 a distance of 528.18 feet to a point; thence N 0° 13' 47" E a distance of 40.20 feet to a point; said point being on the Easterly ROW line of Interstate 80; thence S 84° 03' 06" W along the Easterly ROW line of Interstate 80 a distance of 538.63 feet to a point; thence S 66° 15' 06" W along the Easterly ROW line of Interstate 80 a distance of 640.78 feet to a point; thence S 43° 12' 06" W along the Easterly ROW line of Interstate 80 a distance of 376.80 feet to a point; thence S 63° 12' 06" W along the Easterly ROW line of Interstate 80 a distance of 496.21 feet to a point; thence S 35° 36' 30" W along the Easterly ROW line of Interstate 80 a distance of 107.03 feet to a point on the west line of the SE 1/4 of said Section 5; thence S 0° 23' 41" East along the west line of said SE 1/4 a distance of 58.99 feet to the point of beginning and containing 1.987 acres more or less.

TEMPORARY CONSTRUCTION EASEMENT:

That part of the above described tract more particularly described as follows:

Beginning at the above described true point of beginning; thence N 42° 18' 14" E along a line 40.00 feet from and parallel to the Easterly ROW line of Interstate 80 a distance of 45.69 feet to a point; thence N 35° 36' 30" E along a line 40.00 feet from and parallel to the Easterly ROW line of Interstate 80 a distance of 99.55 feet to a point; thence N 63° 12' 06" E along a line 40.00 feet from and parallel to the Easterly ROW line of Interstate 80 a distance of 493.44 feet to a point; thence N 43° 12' 06" E along a line 40.00 feet from and parallel to the Easterly ROW line of Interstate 80 a distance of 375.70 feet to a point; thence N 66° 15' 06" E along a line 40.00 feet from and parallel to the Easterly ROW line of Interstate 80 a distance of 626.21 feet to a point; thence N 84° 03' 06" E along a line

40.00 feet from and parallel to the Easterly ROW line of Interstate 80 a distance of 528.18 feet to a point; thence N 0° 13' 47" E a distance of 40.20 feet to a point on the Easterly ROW line of Interstate 80; thence N 84° 30' 06" E along the Easterly ROW line of Interstate 80 a distance of 30.10 feet to a point, said point being N 89° 49' 35" W a distance of 750.18 feet and S 0° 13' 47" W a distance of 188.03 feet from the East Quarter (E1/4) Corner of said Section 5; thence S 0° 13' 47" W a distance of 100.50 feet to a point; thence S 34° 30' 06" W along a line 100.00 feet from and parallel to the Easterly ROW line of Interstate 80 a distance of 542.63 feet to a point; thence S 66° 15' 06" W along a line 100.00 feet from and parallel to the Easterly ROW line of Interstate 80 a distance of 476.63 feet to a point; thence S 43° 12' 06" W a distance of 500.37 feet to a point; thence S 63° 12' 06" W along a line 150.00 feet from and parallel to the Easterly ROW line of Interstate 80, a distance of 485.82 feet to a point; thence S 35° 36' 30" W along a line 150.00 feet from and parallel to the Easterly ROW line of Interstate 80 a distance of 78.97 feet to a point; thence S 42° 18' 14" W along a line parallel to and 150.00 feet from the Easterly ROW line of Interstate 80 a distance of 171.34 feet to a point on the West line of the SE 1/4 of said Section 5; thence N 0° 23' 41" W along the West line of said SE 1/4 a distance of 162.21 feet to a point of beginning and containing 4.387 acres more or less.

c. Damages of Condemnees:

Investors Holding Inc., owner	\$7,000.00
Sanitary and Improvement District No. 95	NONE (See attached Ex. B)
Occidental Savings and Loan Association	NONE
Wallace Hopkins, Mortgages and tenant in common	\$648.45
George Abdouch, Mortgages and tenant in common	\$648.45
Ephraim Marks, Mortgages and tenant in common	\$648.45
Omaha Public Power District	NONE (See attached Ex. C)
Douglas County Treasurer	\$2,084.65 (See attached Ex. D)

DATED at Omaha, Douglas County, Nebraska, this 14th day of May, 1969.

Respectfully submitted,

Frank J. Wear
Frank J. Wear, Appraiser

John R. Claassen
John R. Claassen, Appraiser

John T. Carpenter
John T. Carpenter, Appraiser

AFFIDAVIT

TO WHOM IT MAY CONCERN:

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

FRANK B. HEINTZE and BEATRICE A. HEINTZE, his wife, owners of a 13 acre tract more or less situate in the Southwest Quarter of Section Five (5), Township Fourteen (14) North, Range Twelve (12) East of the 6th P. M., Douglas County, Nebraska, lying south and east of Interstate 80 right-of-way, hereby state under oath that the mortgage covering said real estate given by the undersigned, Frank B. Heintze, and his deceased mother, Mina Heintze, to Forgan Investment Co. in the original sum of \$5,000 under date of March 24, 1923, and recorded the same date in the Office of the Register of Deeds of Douglas County, Nebraska, in Book 546 of Mortgages at Page 443, which mortgage was assigned to the Equitable Life Assurance Society of the United States on March 31, 1923, and recorded April 30, 1923, in Book 547 at Page 87, has been fully paid and discharged for more than 20 years and a release of said mortgage has been duly delivered by the assignee.

And further affiants saith not.

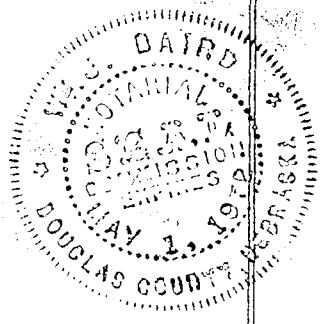
Dated, at Omaha, Nebraska, May 8, 1969.

Frank B. Heintze
(Frank B. Heintze)

Beatrice A. Heintze
(Beatrice A. Heintze)

SUBSCRIBED and sworn to before me this 8th day of May, 1969.

M. J. Laird
Notary Public



69-102

LAW OFFICES
JOHN W. DELEHANT
2400 SOUTH 72ND AVENUE
OMAHA, NEBRASKA 68124

JOHN W. DELEHANT
RICHARD E. CROKER
ROBERT J. HUCK

393-9092

April 23, 1969

Mr. William B. Woodruff
Attorney at Law
7701 Pacific Street
Omaha, Nebraska 68124

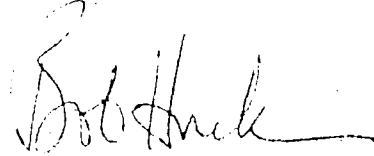
In re: Sanitary and Improvement
District No. 193 Condemnation

Dear Bill:

Our engineers tell me, after examining the exhibits attached to the notice to landowners with regard to your condemnation for the outfall sewer, that the closest you come to any property owned by SID No. 95 is approximately 755 feet. They tell me that your storm sewer follows generally the "L" Street cutoff from the interstate and then proceeds south along the eastern edge of the interstate. If so, this would not even be near the District 95 property, the westernmost portion of which is the west right-of-way line of 108th Street.

Please give Eph Marks a ring and find out what his thinking was as regards to making us a defendant in these condemnation proceedings. I would appreciate hearing what he has to say. Unless I hear from you to the contrary, I will not plan to be present at the hearing of the appraisers.

Sincerely,



ROBERT J. HUCK

RJH:ns

W. C. FRASER
 ROBERT G. FRASER
 HIRD STRYKER
 THOMAS MARSHALL
 ROBERT N. VEACH
 JAMES A. BUCKLEY

ASSOCIATES
 PETER J. VAUGHN
 JOSEPH K. MEUSEY
 STEPHEN G. OLSON

TRACY J. PEYCKE
 OF COUNSEL

LAW OFFICES
 FRASER, STRYKER, MARSHALL & VEACH
 BIO ELECTRIC BUILDING
 TELEPHONE 341-6101
 OMAHA, NEBRASKA 68102

May 6, 1969

Mr. William B. Woodruff
 Attorney at Law
 218 First West Side Bank Bldg.
 222 South 72nd Street
 Omaha, Nebraska 68114

Re: Condemnation SID #193

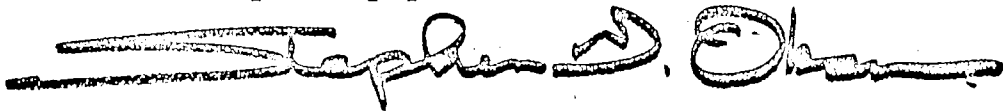
Dear Bill:

In accordance with our telephone conversation of May 5, 1969, in regard to the condemnation case of SID #193 vs. OPPD, et al, please be advised that with our prior consent having been given for you to cross our easement, the above condemnation proceedings should be amended to strike from the Petition and also from the Report of Appraisers any reference to the Omaha Public Power District or its easement across the property sought to be acquired by SID #193.

Therefore, at the time of the hearing, please see that OPPD is stricken from the condemnation proceedings in order that the validity of their prior easement may be maintained.

Thank you for your assistance.

Very truly yours,



FOR THE FIRM

SGO/dm

- All Due January 1, 1969
- 1st Half Delinquent April 1, 1969
- 2nd Half Delinquent August 1, 1969

68 - REAL ESTATE TAX - 69
 1968 COUNTY
 1969 CITY AND MET. SCHOOL

IMPORTANT
 Examine this item before presenting it for payment. The Treasurer is not responsible for payments made on wrong property.

AF 1 2539 M2 05-14-12 00020 1719
 INVESTORS HOLDINGS
 INC

LANDS
 -EX SCHOOL LT & NTHLY 25.32 AC
 & STHLY 1.02 AC FOR RD & W 17
 E 50 FT- SE 1/4
 132.4 AC.

Recd 5/8/69

DISTRIBUTION OF YOUR TAX DOLLARS:

DISTRICT	MILL LEVY	TAX
School Dist.		
City		
County		
Sanitary Dist.		
Fire Dist.		
Educ. Service Unit		
MUD—Hydrant		
Free High School		

35% ASSESSED VALUE
 62,045

CONSOLIDATED MILL LEVY	TOTAL TAX	FIRST INSTALLMENT	PREVIOUS YEARS TAXES DELINQUENT
66.81	4,145	23/2,072.6	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
INTEREST		12.0	
ADV.			
TOTAL		208465	

SAM J. HOWELL
 TREASURER

BY _____

RECEIPT FOR AMOUNT OF
 VALIDATION WHEN SIGNED.
TREASURER'S COPY

RECEIPT VALIDATION

Do Not Detach These Copies.
 Return all copies and make
 check payable to:
 SAM J. HOWELL, Treasurer
 Douglas County

EXHIBIT "D"

COUNTY COURT
DOUGLAS COUNTY
 ROBERT R. TROYER, JUDGE
 JOSEPH J. BELITZ, CLERK
 OMAHA, NEBR.

BOOK **487** PAGE **383**

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:

SANITARY AND IMPROVEMENT DISTRICT NO. 193 OF DOUGLAS COUNTY,
 NEBRASKA, Condemner

vs.

SANITARY AND IMPROVEMENT DISTRICT NO. 124 OF DOUGLAS COUNTY,
 NEBRASKA, et al, Condemnees

in the matter of the Condemnation Docket C4 - Page 21

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 14th day of May, A. D. 1969.

ROBERT R. TROYER
 County Judge.

By [Signature] Deputy Clerk of the County Court.



10
 RECEIVED
 1970 MAR 5 PM 3 16
 C. HAROLD OSTLER
 REGISTER OF DEEDS
 DOUGLAS COUNTY, NEBR.

THE STATE OF NEBRASKA }
 Douglas County } ss.
 Entered in Numerical Index and filed
 for Record in the office of the Register of
 Deeds of said County and recorded in
 Book 487 of [Signature]
 Page 373

C. Harold Ostler
 Register of Deeds
 By [Signature] Deputy
 MAIL 76-850
 N 5-14-70 G.P.N.P.C. 802
 Compared [Signature] FEE

76-850-5-14-70