

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

MORRIS PASHMAN and LESTER M. ENTEN and JOSEPH WATERS d/b/a LESTER M. ENTEN ASSOCIATES a Partnership, d/b/a WENDLE PROPERTIES, a Partnership, Owner; THE PRUDENTIAL INSURANCE COMPANY OF AMERICA, Mortgagee;

Plaintiffs,

v.

STATE OF NEBRASKA DEPARTMENT OF ROADS,

Defendant.

Docket 549 Page 296

County Court Docket C-2, Page 220

ORDER

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

I.

Judgment is entered for the Plaintiffs, and against the Defendant, in the amount of Twenty Thousand Five Hundred Dollars (\$20,500.00), without interest thereon; that said sum shall constitute the full and just compensation due and owing the Plaintiffs by reason of the condemnation proceeding brought by the Defendant, against the Plaintiffs, before the County Judge of Douglas County, Nebraska.

II.

That the attached plat, consisting of one (1) page, and the description, consisting of three (3) pages, is the correct plat and description; that the original plat and description on file with the County Judge of Douglas County in the case of the State of Nebraska, Department of Roads, Condemner, v. Morris Pashman, et al, Condemnees, Docket C-2, Page 220 is in error; that the plat and description filed with the Return of Appraisers in the office of the Register of Deeds of Douglas County in Book 407 of Miscellaneous at page 345 is in error; that a copy of this Order of Court be certified by the Clerk of the District Court of Douglas County, Nebraska, to the County Judge of this county so that his records may contain the correct plat and description and to the Register of Deeds of this county directing said Register of Deeds

to file said Order in the records pertaining to the property described in the plat and description attached to this Order.

III.

That the costs in this Court including the cost to be incurred in certifying a copy of this Order to the County Judge of Douglas County, Nebraska, and to the Register of Deeds of said county, be taxed to the Defendant.

IV.

That a copy of this Order be certified by the Clerk of the District Court of Douglas County, Nebraska, to the County Judge of Douglas County, Nebraska; and that said County Judge is hereby authorized and directed to make payment to the Plaintiffs in the sum of Five Thousand One Hundred Fifty Dollars (\$5,150.00) for the reason that the Plaintiffs have previously withdrawn Fifteen Thousand Three Hundred Fifty Dollars (\$15,350.00) by stipulation of the parties hereto, from the funds heretofore deposited with said County Judge by the Defendant, and to return the balance of said funds, if any, to the Defendant.

V.

That upon performance of said acts, the County Judge of Douglas County, Nebraska, is hereby directed to notify the Clerk of the District Court of Douglas County, Nebraska, that disbursement of the funds has been made according to this Order of Court, and such notification of the payment of the sum of Five Thousand One Hundred Fifty Dollars (\$5,150.00), shall be entered by the Clerk of the District Court of Douglas County, Nebraska, as satisfaction of the judgment.

Dated this 28th day of May, 1965.

BY THE COURT

Patrick H. Lynch
District Judge

(Signed Copy)

Approved as to Form:

[Signature]
Attorney for Plaintiffs

[Signature]
Attorney for Defendant

Land Owner: Wendle Properties, a partnership.

Tenant: Mack Trucks, Incorporated.

Mortgagee: Prudential Insurance Company.

Project: U-446 (7) AFE: R-122b Douglas County, Nebraska.

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Fee simple title to a tract of land and all improvements thereon, if any, for highway right of way purposes located in part of the Northeast Quarter of Section 2, Township 14 North, Range 12 East of the 6th P.M., Douglas County, Nebraska, as illustrated on the attached plat and being more particularly described as follows:

Beginning at the east quarter corner of said Section 2; thence northerly on the East line of the Northeast Quarter of said Section 2 a distance of 600.4 feet; thence westerly 90 degrees 00 minutes left and on the northerly property line a distance of 50.0 feet; thence southerly on a line 50.0 feet westerly from and parallel to said East line a distance of 397.4 feet; thence westerly on a 135.0 foot radius curve to the right (initial tangent of which forms an angle of 06 degrees 13 minutes right from the last described course) a distance of 185.0 feet to point of tangency; thence continuing westerly, tangent, a distance of 23.8 feet to a point 80.0 feet northerly from the South line of said Northeast Quarter; thence continuing westerly on a line 80.0 feet northerly from and parallel to said South line a distance of 235.0 feet; thence northwesterly a distance of 17.1 feet to a point 96.0 feet northerly from said South line; thence westerly on a line 96.0 feet northerly from and parallel to said South line a distance of 46.0 feet to a point on the westerly property line; thence southerly on said westerly property line a distance of 96.0 feet to a point on said South line; thence easterly on said South line a distance of 483.0 feet to the point of beginning, containing 69,509.74 square feet, more or less, which includes 46,814.52 square feet, more or less, previously occupied as a public highway, the remaining 22,695.22 square feet, more or less, being the additional area to be secured in this action.

There will be no ingress or egress from the above described tract of land onto the remainder of said part of the Northeast Quarter, except over two commercial entrances, not to exceed 40 feet in width, to provide ingress and egress to property of the owner so long as they are used consistent with operating normal business activities, the centerlines of which are to be located 461.0 feet westerly from the East line of said Northeast Quarter and 525.0 feet northerly from the South line of said Northeast Quarter, both as measured along the centerline of the highway.

All mineral rights in the above described tract shall be retained and reserved to the Condemnee, its heirs, successors or assigns. The Condemnee, its heirs, successors or assigns shall have no right to use or enter the surface of the above described tract for any purpose concerning the reserved mineral rights; nor shall the Condemnee, its heirs, successors or assigns in extracting such minerals, damage or in any way impair the use of the above described tract.

Also, temporary easement to a tract of land and all improvements thereon, if any, for drive purposes located in part of the Northeast Quarter of Section 2, Township 14 North, Range 12 East of the 6th P.M., Douglas County, Nebraska, as illustrated on the attached plat and being more particularly described as follows:

Referring to the east quarter corner of said Section 2; thence westerly on the South line of the Northeast Quarter of said Section 2 a distance of 483.0 feet; thence northerly 90 degrees 00 minutes right and on the westerly property line a distance of 96.0 feet to the point of beginning, said point being on the northerly

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highway right of way line; thence continuing northerly on said westerly property line a distance of 39.0 feet; thence easterly on a line 135.0 feet northerly from and parallel to said South line a distance of 43.0 feet; thence southeasterly a distance of 59.2 feet to a point on said highway right of way line; thence easterly on a line 90.0 feet northerly from and parallel to said South line and on said highway right of way line a distance of 13.0 feet; thence northwesterly on said highway right of way line a distance of 17.1 feet to a point 96.0 feet northerly from said South line; thence westerly on a line 96.0 feet northerly from and parallel to said South line and on said highway right of way line a distance of 46.0 feet to the point of beginning, containing 2,186.0 square feet, more or less, to be secured in this action.

Also, temporary easement to a tract of land 40.0 feet in width, westerly from and adjacent to the westerly highway right of way line and all improvements thereon, if any, for drive purposes located in part of the Northeast Quarter of Section 2, Township 14 North, Range 12 East of the 6th P.M., Douglas County, Nebraska, the centerline of which is illustrated on the attached plat and being more particularly described as follows:

Referring to the east quarter corner of said Section 2; thence northerly on the East line of the Northeast Quarter of said Section 2 a distance of 525.0 feet; thence westerly 90 degrees 00 minutes left a distance of 50.0 feet to a point on the westerly highway right of way line, said point being the point of beginning of said centerline; thence continuing westerly on the last described course produced and on said centerline a distance of 50.7 feet to point of curvature; thence continuing westerly on a 750.0 foot radius curve to the left (initial tangent of which coincides with the last described course) and on said centerline a distance of 448.0 feet to point of tangency; thence continuing westerly, tangent, and on said centerline a distance of 101.2 feet to the point of termination of said centerline, containing 11,996.0 square feet, more or less, to be secured in this action.

Also, temporary easement to a tract of land and all improvements thereon, if any, for construction purposes located in part of the Northeast Quarter of Section 2, Township 14 North, Range 12 East of the 6th P.M., Douglas County, Nebraska, as illustrated on the attached plat and being more particularly described as follows:

Referring to the east quarter corner of said Section 2; thence westerly on the South line of the Northeast Quarter of said Section 2 a distance of 483.0 feet; thence northerly 90 degrees 00 minutes right and on the westerly property line a distance of 96.0 feet to a point on the northerly highway right of way line; thence easterly on a line 96.0 feet northerly from and parallel to said South line and on said northerly highway right of way line a distance of 46.0 feet; thence southeasterly on said northerly highway right of way line a distance of 17.1 feet to a point 80.0 feet northerly from said South line; thence easterly on a line 80.0 feet northerly from and parallel to said South line and on said northerly highway right of way line a distance of 152.4 feet to the point of beginning; thence continuing easterly on the last described course produced and on said northerly highway right of way line a distance of 82.6 feet; thence continuing easterly 05 degrees 33 minutes left and on said northerly highway right of way line a distance of 23.8 feet to point of curva-

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ture; thence northerly on a 135.0 foot radius curve to the left (initial tangent of which coincides with the last described course) and on the northwesterly highway right of way line a distance of 185.0 feet; thence continuing northerly on a line which forms an angle of 06 degrees 13 minutes left from the final tangent of the last described curve, and on the westerly highway right of way line a distance of 73.8 feet; thence southwesterly 173 degrees 47 minutes left a distance of 73.4 feet to point of curvature; thence continuing southwesterly on a 127.0 foot radius curve to the right (initial tangent of which coincides with the last described course) a distance of 174.0 feet to point of tangency; thence continuing southwesterly, tangent, a distance of 106.1 feet to the point of beginning, containing 2,249. square feet, more or less, to be secured in this action.

And also, temporary easement to a tract of land and all improvements thereon, if any, for drainage purposes located in part of the Northeast Quarter of Section 2, Township 14 North, Range 12 East of the 6th P.M., Douglas County, Nebraska, as illustrated on the attached plat and being more particularly described as follows:

Referring to the east quarter corner of said Section 2; thence westerly on the South line of the Northeast Quarter of said Section 2 a distance of 483.0 feet; thence northerly 90 degrees 00 minutes right and on the westerly property line a distance of 96.0 feet to a point on the northerly highway right of way line; thence easterly on a line 96.0 feet northerly from and parallel to said South line and on said highway right of way line a distance of 46.0 feet; thence southeasterly on said highway right of way line a distance of 17.1 feet to a point 80.0 feet northerly from said South line; thence easterly on a line 80.0 feet northerly from and parallel to said South line and on said highway right of way line a distance of 13.0 feet to the point of beginning; thence continuing easterly on the last described course produced a distance of 5.0 feet; thence northwesterly a distance of 88.3 feet to a point 157.0 feet northerly from said South line; thence westerly on a line 157.0 feet northerly from and parallel to said South line a distance of 8.0 feet; thence southerly a distance of 22.0 feet to a point 135.0 feet northerly from said South line; thence easterly on a line 135.0 feet northerly from and parallel to said South line a distance of 9.0 feet; thence southeasterly a distance of 59.2 feet to the point of beginning, containing 594.0 square feet, more or less, to be secured in this action.

I, SIDNEY J. GOTTNEID, Clerk of the District Court, Fourth
Judicial District of Nebraska, within and for said County, do
hereby certify that the above and foregoing **is** a true and
correct copy of **ORDER** rendered and entered of record on
the 28th day of May, 1965, in Journal 694 on the date
aforesaid and designated as Docket 549 Number 296,

in a cause in said Court wherein **Morris Pashman, et al.,** are

Plaintiff and **State of Nebraska Department of Roads** is

Defendant as the same appears fully upon the records and files
of said court now in my charge remaining as Clerk aforesaid.

IN TESTIMONY WHEREOF, I have hereunto set my hand officially and

affixed the seal of said Court at Omaha,
this 28th day of May
A. D. 1965.

SIDNEY J. GOTTNEID

Clerk

BY Theodore F. Wenzel

Deputy



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Rec'd June 4, 1965
9:10 AM
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THE STATE OF NEBRASKA, ss.
Douglas County
Entered in Numbered Index and filed
for Record in the office of the Registrar of
Deeds of said County to be recorded in
Book 426 of Mail
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Sidney J. Gottneid
By James - Bavis - Peterson Attorney
NAME
G.P.N.-P.G.
Completed 2-14-12 Fee 1.200

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