

IN THE COUNTY COURT OF DOUGLAS COUNTY, NEBRASKA

IN THE MATTER OF THE CONDEMNATION)
 BY THE CITY OF OMAHA, A Municipal) Doc. 2 No. 24
 Corporation, OF THE FOLLOWING)
 DESCRIBED PROPERTY IN DOUGLAS COUNTY,) REPORT OF APPRAISERS
 NEBRASKA.)

The appraisers, heretofore appointed by the Court, having convened, qualified, and notified the condemnees as hereinafter set forth of the intention of the City of Omaha to acquire the following described property, to-wit:

Tract 18

The North 18 feet of Lot 11, Block 7, Benson, now a part of the City of Omaha.

Carl L. Schmidt and Alvine E. Schmidt, husband and wife, each owning an undivided 1/2 interest.

(Note: a death certificate which is recorded shows that Carl L. Schmidt died April 1, 1940, but there is no record of any probate proceedings. Alvina Elizabeth Schmidt died December 27, 1942, leaving a Will which was admitted to probate in proceedings found in Book 61 at Page 314 of the County Court. This property was devised to her daughters Erna Alvina Peterson, Elsie Elizabeth Dworak, Edna Rosina Blakewell and Margaret Winifred Schmidt in equal shares for and during their natural lives with remainder to their children who are living at the time of the death of each of said daughters. In the event that said Margaret Winifred Schmidt should die without issue the remainder from her share to be divided equally between the grandchildren who are living at the time of her death.)

Tract 31

Lot 32, Block 2, Glenn Park Addition to the City of Omaha.

Rachel M. Carson, Record Owner.

Tract 32

That part of Lot 31, Block 2, Glenn Park Addition to the City of Omaha, lying North and East of the following described line: Beginning at a point on the North line of Lot 31, 94 feet East of the Northwest corner of said Lot 31 and extending Southeasterly to a point on the South line of Lot 31, 140 feet East of the Southwest corner of said Lot 31.

Richard C. Rheinhart and Gwendolyn B. Rheinhart, joint tenants Record Owners.
 Omaha Loan and Building Association, Mortgagee

Tract 62A

The South 1/2 of vacated alley adjoining the East 25.5 feet of the North 46 feet of Lot 24, and the North 46 feet of Lot 25, Block 4, Vassar Place on the North, all in the City of Omaha.

Hazel M. Nelsen and Marinus Nelsen, wife and husband, joint tenants. Record Owners.
 Commercial Savings & Loan Association, Mortgagee.

Tract 70

The North 18 feet of Lot 5, Block 1, Rose Hill Addition to the City of Omaha.

Margaret T. O'Brien and Charles E. O'Brien, joint tenants, Record Owners.

Tract 71

The North 18 feet of Lot 4, Block 1, Rose Hill Addition to the City of Omaha.

Louis Bauer and Mary E. Bauer, husband and wife, (each owning 1/2 interest), Record Owners.

(Note: There is no probate proceedings for Louis Bauer but it is indicated that he died before Mary E. Bauer supposedly leaving a Will leaving everything to her. Mary Bauer died April 18, 1954 leaving a Will which has been admitted to probate in the County Court. The Will leaves \$100.00 to Mrs. Nancy Elizabeth Jameson, \$200.00 to Clark Huxtable, and \$1.00 to any heir not mentioned in the Will. The residue is left to Mrs. Marie McIntosh, Mrs. Ellen Twombly, Mrs. Hazel Downey and James M. McIntosh, share and share alike. Mrs. Marie McIntosh has been appointed executrix and the Will gives her authority to convey real estate. A number of claims are filed. A partition suit is pending in the District Court, Docket 465, Page 48.

Tract 75

Lease to Carpenter Oil, Inc., to the following described property:

That part of the West 38 feet of Lot 27 and all of Lots 28 and 29, Block 2, Mystic Park Addition to the City of Omaha, lying South of the following described line: Beginning at a point on the West line of Lot 29, 27 feet North of the Southwest corner of said Lot 29 and extending Southeasterly to a point 15 feet North and 14 feet East of the Southwest corner of said Lot 29, thence East to a point 38 feet East and 15 feet North of the Southwest corner of Lot 27.

Tracts 79 and 79ATract 79

The South 15 feet of Lot 24 and the South 15 feet of the East 5 feet of Lot 25, Block 1, Mystic Park Addition to the City of Omaha.

Tract 79A

The South 1/2 of vacated alley adjoining the East 5 feet of Lot 25, and all of Lot 24, Block 1, Mystic Park Addition to the City of Omaha on the North.

George J. Petros, single, Record Owner.

Your appraisers hereinbefore mentioned further report to the Court that, subsequent to the filing of the Petition in this matter, the City of Omaha did negotiate for the purchase and purchased the following described property:

Tract 62A The South 1/2 of vacated alley adjoining the east 25.5 feet of the North 46 feet of Lot 24, and the North 46 feet of Lot 25, Block 4, Vassar Place on the North, all in the City of Omaha.

Tract 75 Lease to Carpenter Oil, Inc., to the following described property:

That part of the West 38 feet of Lot 27 and all of Lots 28 and 29, Block 2, Mystic Park Addition to the City of Omaha, lying South of the following described line: Beginning at a point on the West line of Lot 29, 27 feet North of the Southwest corner of said Lot 29 and extending Southeasterly to a point 15 feet North and 14 feet East of the Southwest corner of said Lot 29, thence East to a point 38 feet East and 15 feet North of the Southwest corner of Lot 27.

Tracts 79 and 79A

Tract 79 The South 15 feet of Lot 24 and the South 15 feet of the East 5 feet of Lot 25, Block 1, Mystic Park Addition to the City of Omaha.

Tract 79A The South 1/2 of vacated alley adjoining the East 5 feet of Lot 25, and all of Lot 24, Block 1, Mystic Park Addition to the City of Omaha on the North.

Attached hereto are copies of resolutions passed by the City Council of the City of Omaha, authorizing the Law Department to withdraw said property from these condemnation proceedings and to authorize the purchase of the same, said resolutions being marked Exhibit A.

Your appraisers further show the Court that the condemnees above mentioned were given notice that on Tuesday, the 22nd day of May, 1956 said appraisers would inspect and view said property at 9:30 A.M., and that on Thursday, May 24, 1956, at 9:30 A.M., said appraisers would meet to assess the damages for the taking of said property, said notice having been served upon the condemnees more than ten days prior to said meeting, and said appraisers carefully inspected and viewed said property taken or sought to be taken on the 22nd day of May, 1956, and having heard all parties interested therein with reference to the amount of damages when so inspecting and viewing said property and said Board of Appraisers further pursuant to said notice, having met on May 24, 1956, at 9:30 A.M., in the Court Room of the County Judge of Douglas County, Nebraska, to appraise said property and to assess the damages that the said condemnees have sustained or are sustaining by the appropriation of the said property for the use of the condemnor, City of Omaha.

The following condemnees or their agents, representatives, and attorneys were present at the time of the inspection herein referred to on May 22, 1956:

Tract 18. Erna Alvina Peterson, owner, and Margaret R. Fischer, her attorney.

Tract 31. Rachel M. Carson, owner.

Tract 32. Gwendolyn B. Rheinhardt, one of the owners.

Tract 70. Charles E. O'Brien, one of the owners.

Tract 71. Charles E. O'Brien, attorney.

The following condemnees, their agents, representatives and attorneys were present at the time of the hearing hereinbefore mentioned on May 24, 1956:

Tract 31. Rachel M. Carson, Leonard, A. Hammes, her attorney, and R. H. Cook, appeared as a contractor and a witness.

Tract 32. Richard C. Rheinhardt and Gwendolyn B. Rheinhardt, joint tenants, Leonard A. Hammes, their attorney, and R. H. Cook, appeared as a contractor and a witness.

Tract 70. Charles E. O'Brien, joint tenant, and as attorney, and Wayne Selby, realtor, appeared as witnesses.

Tract 71. James M. McIntosh and his attorney, Albert Lustgarten. Ellen Twombly and Hazel Downey were represented by Charles E. O'Brien, their attorney.

The hearing was continued until 9:30 A.M. on May 25, 1956, as to Tract 18 only, and at that time the following parties appeared.

Tract 18. Erna Alvina Peterson and Elsie Elizabeth Dworak, condemnees, and Margaret R. Fischer, Guardian Ad Litem for Willis John Blakewell, a minor, son of Edna Rosina Blakewell, and Carol Lou Dworak, a minor, daughter of Elsie Elizabeth Dworak, and attorney for all of the property owners.

In addition to the persons above mentioned at the hearings on May 24th and May 25th, 1956, the following persons were also present: The Negotiators appointed by the City of Omaha, Jack Alberts, James B. Dugher and W. O. Larson; Kenneth J. Schulte, Engineer of the City of Omaha, and Neal H. Hilmes, Assistant City Attorney.

Having lawfully inspected the property and heard the evidence as aforesaid, and having met, consulted, and participated in a consideration of all of the evidence, the undersigned members of said Board of Appraisers, do hereby make and file this report in writing to the Honorable Robert R. Troyer, County Judge of Douglas County, Nebraska, and do hereby assess and award the damages sustained or which will be sustained to the following condemnees who are the holders of the legal title to said property, said award of damages resulting from the appropriation of said property for the use of the condemner, City of Omaha, to be paid as follows:

Tract 18

The North 18 feet of Lot 11, Block 7, Benson, now a part of the City of Omaha.

Carl L. Schmidt and Alvine E. Schmidt, husband and wife, each owning an undivided 1/2 interest.

(Note: A Death certificate which is recorded shows that Carl L. Schmidt died April 1, 1940, but there is no record of any probate proceedings. Alvina Elizabeth Schmidt died December 27, 1942, leaving a Will which was admitted to probate in proceedings found in Book 61 at Page 314 of the County Court. This property was devised to her daughters Erna Alvina Peterson, Elsie Elizabeth Dworak, Edna Rosina Blakewell and Margaret Winifred Schmidt in equal shares for and during their natural lives with remainder to their children who are living at the time of the death of each of said daughters. In the event that said Margaret Winifred Schmidt should die without issue the remainder from her share to be divided equally between the grandchildren who are living at the time of her death.)

Total Award \$1,100.00

Tract 31

Lot 32, Block 2, Glenn Park Addition to the City of Omaha.

Rachel M. Carson, Record Owner.

Total Award 11,600.00

Tract 32

That part of Lot 31, Block 2, Glenn Park Addition to the City of Omaha, lying North and East of the following described line: Beginning at a point on the North Line of Lot 31, 94 feet East of the Northwest corner of said Lot 31 and extending Southeasterly to a point on the South line of Lot 31, 140 feet East of the Southwest corner of said Lot 31.

Richard C. Rheinhardt and Gwendolyn B.

Rheinhardt, joint tenants, Record Owners.

Total Award 2,500.00

Tract 70

The North 18 feet of Lot 5, Block 1, Rose Hill Addition to the City of Omaha.

Margaret T. O'Brien and Charles E. O'Brien,
joint tenants, Record Owners.

Total Award 21,500.00

Tract 71

The North 18 feet of Lot 4, Block 1, Rose Hill Addition to the City of Omaha.

Louis Bauer and Mary E. Bauer, husband and wife,
(each owning 1/2 interest). Record Owners.

(Note: There is no probate proceedings for Louis Bauer but it is indicated that he died before Mary E. Bauer supposedly leaving a Will leaving everything to her. Mary Bauer died April 18, 1954 leaving a Will which has been admitted to probate in the County Court,

The Will leaves \$100.00 to Mrs. Nancy Elizabeth Jameson, \$200.00 to Clark Huxtable, and \$1.00 to any heir not mentioned in the Will. The residue is left to Mrs. Marie McIntosh, Mrs. Ellen Twombly, Mrs. Hazel Downey and James M. McIntosh, share and share alike. Mrs. Marie McIntosh has been appointed executrix and the Will gives her authority to convey real estate. A number of claims are filed. A partition suit is pending in the District Court, Docket 465, Page 48.)

Total Award \$ 1,750.00

Dated at Omaha, Nebraska, this 31st day of May, 1956.

Respectfully submitted,

Clay H. Thomas

Lewis C. Sholes

James A. C. Kennedy, Jr.

BOARD OF APPRAISERS.

CITY OF OMAHA
COUNCIL CHAMBER

Omaha, Nebr. May 22, 1956.

RESOLVED

WHEREAS, by Ordinance No. 18268, as amended by Ordinance No. 18590, the City Council of the City of Omaha declared the necessity of appropriating certain private property and lands for the use of the City of Omaha for the purpose of constructing, widening and maintaining a street known as the Northwest Radial Highway (East Unit of West Section) 63rd and Military Avenue to 54th and Maple Street, providing therein for negotiation for the acquisition of the said property, and on February 7, 1956, the City Council of the City of Omaha, acting pursuant to the Negotiators' Report filed pursuant to the said numbered ordinances, adopted Resolution No. 804 authorizing and directing the Law Department of the City of Omaha to institute condemnation proceedings to appropriate certain private property and lands for the use of the City of Omaha, as aforesaid, and in the said resolution Tracts numbered 62A and 75 were included in the so designated parcels of property to be acquired by condemnation, and on March 6, 1956, pursuant to the Negotiators' Report as aforesaid, the City Council of the City of Omaha adopted Resolution No. 1310 designating tracts of property described as Tracts 79 and 79A to be acquired for the aforesaid purposes by condemnation; and,

WHEREAS, Tract 62A was included in Resolution No. 804 by inadvertance for the reason that the said tract was purchased for the sum of \$412.50, as per the said Negotiators' Report dated February 1, 1956, and for that reason the Law Department of the City of Omaha should be authorized and directed to strike from the petition in condemnation filed in the County Court of Douglas County, Nebraska, at Doc. 2, No. 24, the said Tract 62A; and

WHEREAS, Tract 75 was properly included in the said Resolution No. 804, as aforesaid, the said Tract 75 being a lease of property by the Carpenter Oil, Inc., but the lessee and condemnee, Carpenter Oil, Inc., has offered as a compromise settlement of all of its right, title, interest, claims and demands whatsoever in and to the said Tract 75, to accept the sum of \$50.00 in full settlement thereof, and the said offer should be accepted by the City Council of the City of Omaha, and the Law Department of the City of Omaha authorized and directed to strike from the aforesaid petition in condemnation the said Tract 75; and,

WHEREAS, Tracts 79 and 79A were property included in Resolution No. 1310, the two said tracts being owned by George J. Petros, for the reason that the Negotiators appointed by the City were unable to purchase the two said tracts from the owner thereof, but that the said record owner, George J. Petros, has now offered to sell to the City of Omaha the said Tracts 79 and 79A for the total sum of \$5000.00. which said offer is fair and reasonable and should be accepted by the City of Omaha, and the Law Department of the City of Omaha authorized and directed to strike from the aforesaid petition in condemnation the said tracts 79 and 79A; and,

WHEREAS, it is in the best interests of the City of Omaha that Tract 62A be stricken from the aforesaid petition in condemnation for the reasons stated aforesaid, that the offer by Carpenter Oil, Inc., to accept \$50.00 in full settlement of all its right, title, interest, claims and demands in and to Tract 75 should be accepted, the proper warrant drawn, necessary instruments obtained and the said Tract 75 stricken from the said petition in condemnation, and the offer of George J. Petros to sell to the City of Omaha the said tracts described as Tracts 79 and 79A, as aforesaid, being fair and reasonable should be accepted, the proper warrant drawn, the necessary instruments obtained and the said Tracts 79 and 79A stricken from the said petition in condemnation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OMAHA:

That the Law Department of the City of Omaha be, and it hereby is, authorized and directed to strike from its petition in condemnation filed in the County Court of Douglas County, Nebraska, at Doc. 2, No. 24, the parcels of property described as Tracts 62A, 75, 79 and 79A.

BE IT FURTHER RESOLVED that the Comptroller of the City of Omaha be, and he hereby is, authorized and directed to draw upon the Arterial Highway Bond Fund, Sub-Account #11, a warrant in the amount of \$50.00 payable to Carpenter Oil, Inc., and to deliver the same to the Law Department of the City of Omaha, and to draw upon the said Arterial Highway Bond Fund, Sub-Account #11, a warrant in the amount of \$5000.00 payable to George J. Petros, and to deliver the said warrant to the Law Department of the City of Omaha, the two said warrants being for the purchase price of Tracts numbered 75, and 79 and 79A respectively.

BE IT FURTHER RESOLVED that the Law Department of the City of Omaha be, and it hereby is, authorized and directed, upon receipt of the two warrants aforesaid, to deliver the same to Carpenter Oil, Inc., and George J. Petros, respectively, obtaining in exchange therefor the necessary instruments in proper form to vest the title to the said Tracts 75, and 79 and 79A in the City of Omaha.

By Wm. R. Milner

Adopted May 22, 1956.

Attest: M. J. Dineen, Jr. City Clerk

John Rosenblatt,
Mayor and President City Council. RESOLUTION No. 2906.

EXHIBIT "A"

STATE OF NEBRASKA }
COUNTY OF DOUGLAS } SS. I, Robert R. Troyer, County Judge
hereby certify the foregoing copy, consisting of 8 pages,
to be a full, true and correct copy of the original record
thereof, now on file in said court; that I have
the legal custody and control of a true and correct copy of said
record, and the seal of said court is hereby attested.

Witness my hand and the seal of said court at Omaha
this 8 day of March 1957
ROBERT R. TROYER, County Judge

acc

Clerk of the County Court

9. ENTERED IN REGISTER OF DEEDS OFFICE IN DOUGLAS COUNTY, NEBRASKA.
8 DAY March 1957 AT 2:21 P. M. THOMAS J. O'CONNOR, REGISTER OF DEEDS. 7.65