

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

CIV. C-389

v.

4.65 Acres of Land, more or less,
situate in Sarpy County, State of
Nebraska, and Isaac N. (Isaac) Johnson,
et al.,

JUDGMENT ON
DECLARATION OF TAKING

Defendant.

Now on this 28th day of September, 1959, this cause
came on to be heard upon the motion of Thomas J. Shatt, Assistant
United States Attorney for the District of Nebraska, one of the
attorneys for the plaintiff herein, to enter a judgment on the
declaration of taking filed in this cause on the 28th day of
September, 1959, and for an order fixing the date when
possession of the property herein described is to be surrendered to
the United States of America, and upon consideration of the case and
of the condemnation Complaint and Declaration of Taking filed herein
and the statutes in such cases made and provided, and it appearing
to the satisfaction of the Court:

FIRST: That the United States of America is entitled to
acquire property by eminent domain for the purpose set out and
prayed in said Complaint;

SECOND: That a Complaint in condemnation was filed at the
request of the Secretary of the Air Force of the United States of
America, the authority empowered by law to acquire the land and
interest therein described in said Complaint, and also under authority
of the Attorney General of the United States;

THIRD: That said Complaint and Declaration of Taking state
the authority under which and the public use for which said lands and
interest therein were taken; that the Secretary of the Air Force of
the United States of America is the person duly authorized and
empowered by law to acquire the lands and interest therein, such
as are described in the Complaint, for use in connection with Offutt
Air Force Base, Sarpy County, State of Nebraska, and for such other
uses as may be authorized by Congress or by Executive Order.

Entered in Numerical Index and Recorded in the Register of Deeds Office in Sarpy County, Nebraska
2 day Oct 1959 at 11 A.M. Esther Ruff, County Clerk 5425

FOURTH: That a proper description of the land and the interest therein sought to be taken, sufficient for identification thereof, is set out in said Declaration of Taking;

FIFTH: That said Declaration of Taking contains a statement of the estate or interest in the said lands taken for public use;

SIXTH: That a plat showing the lands taken is incorporated in said Declaration of Taking;

SEVENTH: That a statement is contained in said Declaration of Taking of a sum of money estimated by said acquiring authority to be just compensation for the land and interests taken, in the sum of \$2,030.00, and that said sum was deposited in the Registry of the Court for the use of the persons entitled thereto upon and at the time of the filing of said Declaration of Taking;

EIGHTH: That a statement is contained in said Declaration of Taking that the amount of the ultimate award of compensation for the taking of said property, in the opinion of the Secretary of the Air Force of the United States of America, will be within any limits prescribed by law as the price to be paid therefor.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that upon the filing of the Declaration of Taking herein and the deposit in the Registry of the Court of the estimated amount of just compensation, there vested in the United States of America title as follows:

(a) The fee simple title to Tract No. 100-S, which is described in Exhibit "A", which is attached hereto and by reference made a part hereof, subject, however, to existing easements for public roads and highways, public utilities, railroads and pipe lines; (b) A perpetual and assignable easement and right of way to locate, construct, operate, maintain, repair, patrol and remove a sanitary sewer line in, upon, over and across Tracts Nos. 100S-S and 140S-S, which tracts are described in Exhibit "A", which is attached hereto and by reference made a part hereof, and a storm sewer line in, upon, over and across Tract No. 100S-S, which is described in Exhibit "A", which is attached hereto and by reference made a part hereof, together with the right to trim, cut, fall and remove therefrom all trees, underbrush, obstructions, and any other vegetation, structures, or obstacles

55-1124

within the limits of the right of way; subject, however, to existing easements for public roads and highways, public utilities, railroads and pipe lines; reserving, however, to the landowners, their heirs, executors, administrators and assigns, all right, title, interest and privilege as may be exercised and enjoyed without interference with or abridgment of the easement and right hereby taken for said public uses.

That said interests in and to said land are adjudged to have been conferred and taken for the use of the United States of America, and the right to just compensation for said interests taken vested in the persons entitled thereto, and the amount of just compensation shall be ascertained and awarded in this proceeding and established by judgment herein pursuant to law.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that possession of the real estate herein described to the extent of the interests taken therein, shall be surrendered to the United States of America and its duly authorized agents forthwith.

IT IS FURTHER ORDERED that this cause be held open for such further orders, judgments and decrees as may be necessary in the premises.

BY THE COURT:

/s/ Richard S. McKenna
CIRCUIT JUDGE
UNITED STATES DISTRICT COURT

Copy

FILED
DISTRICT OF NEBRASKA
AT
SEP 29 1959
<i>Richard C. Pick</i> Clerk
By <i>J. E. Wilson</i> Deputy Clerk

I certify this to be a true copy of
the original record in my custody.
RICHARD C. PICK, CLERK
J. E. Wilson Deputy Clerk



25-425

SCHEDULE "A"

The land which is the subject matter of this Declaration of Taking aggregates 4.65 acres, more or less, situate in Sarpy County, State of Nebraska. A description of the land taken, together with the names of the purported owners thereof, and a statement of the sum estimated to be just compensation therefor are as follows:

TRACTS NOS. 100-2, 100E-2, 100E-3

TRACT NO. 100-2

DESCRIPTION:

A tract of land situated in the Southeast Quarter of Section 4, Township 13 North, Range 13 East of the Sixth Principal Meridian, Sarpy County, Nebraska with said tract of land being more particularly described as follows: Commencing at the Southeast corner of said Southeast Quarter; thence North $70^{\circ}01'34''$ West for a distance of 2847.98 feet to a point on the West line of said Southeast Quarter; said point being the point of beginning of said tract to be described; thence South $89^{\circ}48'20''$ East for a distance of 150.00 feet; thence North $27^{\circ}17'16''$ East to the intersection with the centerline of the existing county road; thence North $59^{\circ}24'20''$ East along said centerline to the intersection with said West line; thence South $0^{\circ}11'40''$ West along said West line to the point of beginning. This tract of land herein described contains 0.77 acres, more or less.

Estimated Compensation: \$500.00

TRACT NO. 100E-2

DESCRIPTION:

A strip of land situated in the Northeast Quarter of Section 4, Township 13 North, Range 13 East of the Sixth Principal Meridian, Sarpy County, Nebraska, with said strip of land being 30.00 feet in width having 15.00 feet on each side of the following described centerline: Commencing at the Southeast corner of said Northeast Quarter; thence North $89^{\circ}49'46''$ West along the South line of said Northeast Quarter for a distance of 2264.79 feet to the point of beginning; thence North $47^{\circ}35'11''$ East for a distance of 738.57 feet; thence North $39^{\circ}24'20''$ East for a distance of 335.00 feet; thence North $25^{\circ}42'50''$ East for a distance of 400.00 feet; thence North $38^{\circ}34'20''$ East for a distance of 311.80 feet; thence South $07^{\circ}24'40''$ East for a distance of 468.20 feet; thence South $79^{\circ}17'25''$ East for a distance of 450.00 feet; thence South $40^{\circ}49'25''$ East for a distance of 323.15 feet; thence South $62^{\circ}24'55''$ East for a distance of 10.77 feet to the intersection with the West line of said Northeast Quarter. Said strip of land extends from the South line of said Northeast Quarter to the East line thereof. The tract of land herein described contains 2.11 acres, more or less.

Estimated Compensation: \$700.00

EXHIBIT "A"

25-426

TRACT NO. 1002-3

DESCRIPTION:

A strip of land situated in the Northeast Quarter of Section 4, Township 13 North, Range 13 East of the Sixth Principal Meridian, Sarpy County, Nebraska, with said strip of land being 40.00 feet in width having 20.00 feet on each side of the following described centerline: Commencing at the Southeast corner of said Northeast Quarter; thence North $89^{\circ}19'10''$ West along the South line of said Northeast Quarter for a distance of 610.00 feet to the point of beginning; thence North $12^{\circ}23'00''$ East for a distance of 300.15 feet; thence along a $57^{\circ}17'45''$ curve to the right, having a radius of 100.00 feet; for an arc length of 116.46 feet; thence North $79^{\circ}06'36''$ East for a distance of 477.11 feet to a point on the East line of said Northeast Quarter; said strip of land extends from the South line of said Northeast Quarter to the East line thereof. The tract of land herein described contains 0.81 acres, more or less.

Estimated Compensation: \$310.00

Names and Addresses of Purported Owners
of Tracts Nos. 100-2, 100E-2, 100E-3:

Inez M. (Hod) Johnson
Fort Crook, Nebraska
1135 S. 87th Street
Omaha, Nebraska

Anna K. Davis
6051 43rd Street, N.E.
Seattle, Washington
Lee T. Hod
7917 Woolworth Avenue
Omaha, Nebraska

TRACT NO. 103E-2

DESCRIPTION:

A strip of land situated in the Northwest Quarter of Section 3, Township 13 North, Range 13 East of the Sixth Principal Meridian, Sarpy County, Nebraska, with said strip of land being 30.00 feet in width having 15.00 feet on each side of the following described centerline: Commencing at the Southwest corner of said Northwest Quarter; thence North $89^{\circ}25'12''$ East for a distance of 699.70 feet; thence North $5^{\circ}20'40''$ West for a distance of 2.86 feet to the intersection with the South line of said Northwest Quarter; thence continuing North $5^{\circ}20'40''$ East for a distance of 15.00 feet to the point of beginning; thence continuing North $5^{\circ}20'40''$ West for a distance of 679.46 feet; thence North $62^{\circ}24'55''$ West for a distance of 716.08 feet to the intersection with the East line of said Northwest Quarter, with all extensions thereto. The tract of land herein described contains 0.96 acres, more or less.

Name and Address of Purported Owner:

Elizabeth Ortmann, Trustee
1994 Favenport Street
Omaha, Nebraska

Estimated Compensation: \$520.00

The gross sum estimated by the acquiring agency to be just compensation for the land and interests therein hereby taken is \$2,050.00.