

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

0.36 ACRES OF LAND, MORE OR LESS, SITUATE IN SARPY COUNTY, STATE OF NEBRASKA, AND RICHARD L. DANIELL, ET AL.,

Defendants.

CIV. D1253

JUDGMENT ON DECLARATION OF TAKING

Now on this 13th day of June, 1961, this cause came on to be heard upon the motion of William C. Spire, 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 13th day of June, 1961, 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 Giffett Air Force Base, Sarpy County, State of Nebraska, and for such other uses as may be authorized by Congress or by Executive Order;

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 lands taken for public use;

SIXTH: That a plan 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 said interest taken in said lands, in the sum of \$125.00, 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: Perpetual and assignable easements and rights of way to locate, construct, operate, maintain, repair, patrol and remove culverts in, upon, under, over, and across Tract Nos. 126E-1, 126E-2, 127E-1, 127E-2, and 127E-3, said tracts of land being described in Exhibit "A", which is attached hereto and by reference made a part hereof, and a gas line in, upon, under, over and across Tract No. 123E, said tract of land being described in Exhibit "A", which is attached hereto and by reference made a part hereof, together with the right to trim, cut, fell and remove therefrom all trees, underbrush, obstructions and any other vegetation, structures, or obstacles within the limits of the rights of way; subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines; 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 easements and rights hereby taken for said public uses.

That said interests in and to said land are adjudged to have been condemned 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 therein taken, 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 E. Robinson
CHIEF CLERK
UNITED STATES DISTRICT COURT

FILED
DISTRICT OF NEBRASKA
AT _____ M
JUN 13 1961
By Richard E. Robinson Clerk
Deputy

I certify this to be a true copy of the original record in my custody.
RICHARD E. ROBINSON, CHIEF CLERK
By Richard E. Robinson
Deputy Clerk

11-28-245

TRACT NO. 126E-2

DESCRIPTION:

A tract of land situated in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 5, Township 13 North, Range 13 East of the Sixth Principal Meridian, Sarpy County, Nebraska, more particularly described as follows:

Commencing at the Southeast corner of the said NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 5; thence Westerly along the center line of the existing County Road for a distance of 26.00 feet to the point of beginning of the tract of land to be described; thence Northerly at right angles for a distance of 33.00 feet to the Northerly Right of Way line of the existing County Road; thence Westerly along the said Northerly Right of Way line for a distance of 30.00 feet; thence Southerly at right angles for a distance of 33.00 feet to the center line of the existing County Road; thence Easterly along said center line to the said point of beginning.

The tract of land herein described contains .02 acres, more or less.

Name and Address of Purported
Owner of Tract Nos. 126E-1 and
126E-2:

Richard L. Daniell
Route 1
Fort Crook, Nebraska

Estimated Compensation for
Tract Nos. 126E-1 and 126E-2:

\$40.00

TRACT NOS. 127E-1, 127E-2 and 127E-3

TRACT NO. 127E-1

DESCRIPTION:

A tract of land situated in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 5, Township 13 North, Range 13 East of the Sixth Principal Meridian, Sarpy County, Nebraska, more particularly described as follows:

Commencing at the Northeast corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 5; thence Westerly along the center line of the existing County Road for a distance of 26.00 feet to the point of beginning of the tract of land to be described; thence Southerly at right angles for a distance of 33.00 feet to the Southerly Right of Way line of the said existing County Road; thence Westerly along said Right of Way line for a distance of 30.00 feet; thence at right angles in a Northerly direction to the said center line of the existing County Road; thence Easterly along the said center line to the said point of beginning.

The tract of land herein described contains .02 acres, more or less.

28-246

TRACT NO. 127E-2

DESCRIPTION:

A tract of land situated in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 5, Township 13 North, Range 13 East of the Sixth Principal Meridian, Sarpy County, Nebraska, more particularly described as follows:

Commencing at the Northeast corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$; thence Southerly along the East line of the said SE $\frac{1}{4}$ SE $\frac{1}{4}$ for a distance of 30.64 feet to the point of beginning of the tract of land to be described; thence Westerly at right angles for a distance of 33.00 feet to the Westerly Right of Way line of the existing County Road; thence Southerly along the said Westerly Right of Way line for a distance of 30.00 feet; thence at right angles in an Easterly direction to the said East line of the SE $\frac{1}{4}$ SE $\frac{1}{4}$; thence Northerly along the said Easterly line to the said point of beginning.

The tract of land herein described contains .02 acres, more or less.

TRACT NO. 127E-3

DESCRIPTION:

A tract of land situated in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 5, Township 13 North, Range 13 East of the Sixth Principal Meridian, Sarpy County, Nebraska, more particularly described as follows:

Commencing at the Northeast corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 5; thence Southerly along the Easterly line of the said SE $\frac{1}{4}$ SE $\frac{1}{4}$ for a distance of 1177.96 feet to the point of beginning of the tract of land to be described; thence Westerly at right angles for a distance of 33.00 feet to the Westerly Right of Way line of the existing County Road; thence Southerly along said Westerly Right of Way line for a distance of 30.00 feet; thence at right angles in an Easterly direction to the said East line of the SE $\frac{1}{4}$ SE $\frac{1}{4}$; thence Northerly along said East line of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ to the said point of beginning.

The tract of land herein described contains .02 acres, more or less.

Name and Address of Purported
Owner of Tract Nos. 127E-1,
127E-2 and 127E-3:

Clarence and H. Gertrude Iske
Route 1
Fort Crook, Nebraska

Estimated Compensation for
Tract Nos. 127E-1, 127E-2
and 127E-3:

\$60.00

25-247

TRACT NO. 129E

DESCRIPTION:

A tract of land 33.00 feet in width situated in the W¹SE¹ of Section 4, Township 13 North, Range 13 East of the Sixth Principal Meridian, Sarpy County, Nebraska, more particularly described as follows:

Commencing at the Southeast corner of Section 4; thence North 70°01'34" West for a distance of 2847.98 feet to a point on the West line of said SE¹; thence South 89°48'20" East for a distance of 150.00 feet; thence North 27°17'16" East to the intersection with the Southerly Right of Way line of the existing County Road, said point of intersection being the point of beginning of the tract of land to be described; thence continuing North 27°17'16" East to the intersection with the center line of said existing County Road; thence Southeasterly along the center line of the said existing County Road for a distance of 550.00 feet; thence in a Southwesterly direction at right angles to the intersection with the said Southerly Right of Way line of existing County Road; thence in a Northwesterly Direction along the existing Right of Way line to the said point of beginning.

The tract of land herein described contains 0.26 acres, more or less.

Names and Addresses of Purported Owners of Tract No. 129E:

Inez M. (Hood) Johnson
Port Crook, Nebraska

Inez O. Davis
1135 South 89th Street
Omaha, Nebraska

Anna K. Dahms
6051 43rd Street, N.E.
Seattle, Washington

Leo T. Hood
7917 Woolworth Avenue
Omaha, Nebraska

Estimated Compensation for Tract No. 129E:

\$25.00

The gross sum estimated to be just compensation for the land hereby taken is \$125.00.