

FILED SARPY COUNTY NEBRASKA  
INSTRUMENT NUMBER

2011-04368

02/09/2011 3:40:33 PM

*Lloyd J. Dowding*

REGISTER OF DEEDS

COUNTER D C.E. D  
VERIFY D D.E. D  
PROOF LM  
FEES \$ 40.50  
CHECK# \_\_\_\_\_  
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FOR RECORDING  
INFORMATION.**

**DOCUMENT STARTS ON  
NEXT PAGE.**

**LLOYD J. DOWDING**

SARPY COUNTY REGISTER OF DEEDS

Steven J. Stastny, Deputy

1210 GOLDEN GATE DRIVE, STE 1109

PAPILLION, NE 68046-2895

402-593-5773

IN THE DISTRICT COURT OF SARPY COUNTY, NEBRASKA

FIRST NATIONAL BANK OF OMAHA, A )	Case CI10-340
National Banking Association, )	
Owner, )	
Plaintiff, )	
v. )	
STATE OF NEBRASKA )	O R D E R
DEPARTMENT OF ROADS, )	
Defendant. )	

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

1. Judgment is entered for the plaintiff and against the defendant in the total amount of One Hundred Seventy-Eight Thousand Seven Hundred Eleven and no/100 Dollars (\$178,711.00); that said sum shall constitute full settlement for any and all compensation of every kind and nature due and owing the plaintiff by reason of the condemnation proceeding brought by the defendant and against the plaintiff before the County Judge of Sarpy County, Nebraska.
2. That the appropriation described in the condemnation proceeding filed before the County Judge of Sarpy County, Nebraska, is hereby affirmed, other than as modified by this decree.
3. That a copy of the attached description and plat be filed with the County Judge of Sarpy County, Nebraska, and replace the description and plat presently filed with the Petition and Return of Appraisers filed before the County Judge of Sarpy County, Nebraska.

B

4. That the description and plat for Tract 45 attached to the Return of Appraisers filed with the Register of Deeds for Sarpy County, Nebraska, under Instrument No. 2010-03923, Pages I, J, K, are hereby superseded and replaced by the description and plat attached hereto, marked Exhibit A and Exhibit B respectively, and made a part hereof by this reference.

5. That Defendant has no objection to a full movement three lane access point for the Lot 95 shown on Exhibit B providing northbound and southbound access to and from 168th Street so long as such access point is installed outside of the "New Controlled Access" area depicted on Exhibit B.

6. That each party shall bear all of its own costs and expenses herein except that the cost of certifying a copy of this Order to the County Judge of Sarpy County, Nebraska, and to the Register of Deeds of Sarpy County, Nebraska, be taxed to the defendant.

7. That a copy of this Order be certified by the Clerk of the District Court of Sarpy County, Nebraska, to the Register of Deeds of Sarpy County, Nebraska, and said Register of Deeds is hereby directed to record the same. The Register of Deeds is further directed, after recording the Order and attached description and plat, to return them to the State of Nebraska, Department of Roads, Legal Office, P.O. Box 94759, Lincoln, NE 68509-4759.

8. That a copy of this Order be certified by the Clerk of the District Court of Sarpy County, Nebraska, to the County Judge of Sarpy County, Nebraska; that said County Judge is hereby authorized

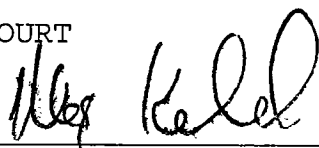
C

and directed to make payment to the plaintiff in the sum of Seventeen Thousand Eight Hundred Twenty-One and no/100 Dollars (\$17,821.00) for the reason that the plaintiff has previously withdrawn One Hundred Sixty Thousand Eight Hundred Ninety and no/100 Dollars (\$160,890.00) by stipulation of the parties hereto from the funds deposited with the County Judge by the defendant, and to return the balance of said funds plus interest, if any, to the defendant.

8. That upon performance of said acts the County Judge of Sarpy County, Nebraska, is hereby directed to notify the Clerk of the District Court of Sarpy County, Nebraska, that disbursement of the funds has been made according to the terms of this Order of court and such notification of the payment of the sum of One Hundred Seventy-Eight Thousand Seven Hundred Eleven and no/100 Dollars (\$178,711.00) shall be entered by the Clerk of the District Court of Sarpy County, Nebraska, as satisfaction of the judgment.

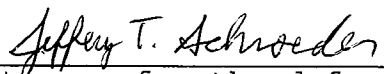
Dated this 8<sup>th</sup> day of February, 2011.

BY THE COURT

  
\_\_\_\_\_  
District Judge

Approved as to form:

  
\_\_\_\_\_  
Attorney for the plaintiff

  
\_\_\_\_\_  
Attorney for the defendant

D

PROJECT:370-7(119)

C.N.:21543

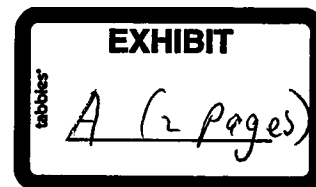
SARPY COUNTY

TRACT:45

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## CONDEMNATION

OWNER: FIRST NATIONAL BANK OF OMAHA, A National Banking Association



FEE SIMPLE TITLE TO A TRACT OF LAND AND ALL IMPROVEMENTS THEREON, IF ANY, FOR HIGHWAY RIGHT OF WAY PURPOSES LOCATED IN LOT 95 LAKE RIDGE ESTATES, A PLATTING OF TAX LOTS 2A AND 3 IN THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 14 NORTH, RANGE 11 EAST OF THE SIXTH PRINCIPLE MERIDIAN, SARPY COUNTY, NEBRASKA, AS ILLUSTRATED ON THE ATTACHED PLAT AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

REFERRING TO THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE NORTHERLY A DISTANCE OF 309.87 FEET ALONG THE WEST LINE OF SAID QUARTER SECTION; THENCE EASTERLY DEFLECTING 090 DEGREES, 00 MINUTES, 00 SECONDS RIGHT, A DISTANCE OF 50.00 FEET TO A POINT ON THE EASTERLY EXISTING COUNTY ROAD ALSO KNOWN AS 168TH STREET RIGHT OF WAY LINE; THENCE SOUTHERLY DEFLECTING 090 DEGREES, 00 MINUTES, 00 SECONDS RIGHT, A DISTANCE OF 43.94 FEET ALONG SAID RIGHT OF WAY LINE TO THE POINT OF BEGINNING; THENCE SOUTHERLY DEFLECTING 000 DEGREES, 00 MINUTES, 00 SECONDS A DISTANCE OF 203.80 FEET ALONG SAID RIGHT OF WAY LINE TO A POINT ON THE NORTHERLY EXISTING HIGHWAY 370 RIGHT OF WAY LINE; THENCE EASTERLY DEFLECTING 089 DEGREES, 21 MINUTES, 14 SECONDS LEFT, A DISTANCE OF 197.63 FEET ALONG SAID RIGHT OF WAY LINE; THENCE EASTERLY DEFLECTING 000 DEGREES, 37 MINUTES, 31 SECONDS LEFT, A DISTANCE OF 225.08 FEET ALONG SAID RIGHT OF WAY LINE; THENCE EASTERLY DEFLECTING 012 DEGREES, 38 MINUTES, 56 SECONDS LEFT, A DISTANCE OF 134.53 FEET ALONG SAID RIGHT OF WAY LINE; THENCE EASTERLY DEFLECTING 012 DEGREES, 38 MINUTES, 56 SECONDS RIGHT, A DISTANCE OF 100.00 FEET ALONG SAID RIGHT OF WAY LINE TO A POINT ON THE EAST LINE OF SAID LOT 95; THENCE NORTHWESTERLY DEFLECTING 119 DEGREES, 30 MINUTES, 26 SECONDS LEFT, A DISTANCE OF 31.66 FEET ALONG SAID LOT LINE; THENCE WESTERLY DEFLECTING 065 DEGREES, 42 MINUTES, 53 SECONDS LEFT, A DISTANCE OF 391.66 FEET; THENCE WESTERLY DEFLECTING 005 DEGREES, 07 MINUTES, 37 SECONDS RIGHT, A DISTANCE OF 230.00 FEET; THENCE NORTHERLY DEFLECTING 084 DEGREES, 24 MINUTES, 46 SECONDS RIGHT, A DISTANCE OF 185.88 FEET TO THE POINT OF BEGINNING CONTAINING 17820.91 SQUARE FEET, MORE OR LESS.

THERE WILL BE NO INGRESS OR EGRESS OVER THE FOLLOWING DESCRIBED CONTROLLED ACCESS LINE LOCATED IN LOT 95 LAKE RIDGE ESTATES, A

E

PROJECT:370-7(119)

C.N.:21543

SARPY COUNTY

TRACT:45

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PLATTING OF TAX LOTS 2A AND 3 IN THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 14 NORTH, RANGE 11 EAST OF THE SIXTH PRINCIPLE MERIDIAN, SARPY COUNTY, NEBRASKA:

REFERRING TO THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE NORTHERLY A DISTANCE OF 309.87 FEET ALONG THE WEST LINE OF SAID QUARTER SECTION; THENCE EASTERLY DEFLECTING 090 DEGREES, 00 MINUTES, 00 SECONDS RIGHT, A DISTANCE OF 50.00 FEET TO A POINT ON THE EASTERLY EXISTING COUNTY ROAD ALSO KNOWN AS 168TH STREET RIGHT OF WAY LINE TO THE POINT OF BEGINNING; THENCE SOUTHERLY DEFLECTING 090 DEGREES, 00 MINUTES, 00 SECONDS RIGHT, A DISTANCE OF 43.94 FEET ALONG SAID RIGHT OF WAY LINE; THENCE SOUTHERLY DEFLECTING 005 DEGREES, 39 MINUTES, 41 SECONDS LEFT, A DISTANCE OF 185.88 FEET; THENCE EASTERLY DEFLECTING 084 DEGREES, 24 MINUTES, 46 SECONDS LEFT, A DISTANCE OF 230.00 FEET; THENCE EASTERLY DEFLECTING 005 DEGREES, 07 MINUTES, 37 SECONDS LEFT, A DISTANCE OF 391.66 FEET TO A POINT ON THE EAST LINE OF SAID LOT 95 TO THE POINT OF TERMINATION;

ALL RIGHTS TO MINERALS, IN OR ON THE ABOVE DESCRIBED REAL PROPERTY, SHALL BE RETAINED AND RESERVED TO THE CONDEMNEE AND TO ITS SUCCESSORS AND ASSIGNS. SAID CONDEMNEE AND/OR ITS SUCCESSORS AND ASSIGNS SHALL HAVE NO RIGHT TO ENTER OR USE THE SURFACE OF SAID REAL PROPERTY FOR ANY PURPOSE CONCERNING SAID MINERAL RIGHTS, NOR SHALL THE CONDEMNEE AND/OR ITS SUCCESSORS AND ASSIGNS IN EXTRACTING SAID MINERALS FROM SAID REAL PROPERTY, DAMAGE OR IN ANY WAY IMPAIR THE USE OF SAID REAL PROPERTY.

DATE 10-07-2009  
DRAWN BY B GREEVER  
CHECKED BY M. TINJUS

STATE OF NEBRASKA, }  
COUNTY OF SARPY, } ss.

I, Carol Kremer, Clerk of the District Court, in and for Sarpy County in the Second Judicial District of Nebraska, do hereby certify that the above and foregoing is a true copy of:

ORDER DATED 02/08/2011

entered in a cause in said court wherein:

FIRST NATIONAL BANK OF OMAHA, A NATIONAL BANKING ASSOCIATION,  
OWNER, Plaintiff

and:

STATE OF NEBRASKA DEPARTMENT OF ROADS, Defendant

Case ID CI 10 340, as the same appear fully upon the records of said Court now in my charge remaining as Clerk aforesaid.



IN WITNESS WHEREOF, I have hereunto set  
my hand and affixed the seal of said Court at  
Papillion, this 9th day of February, A.D. 2011.

A handwritten signature in cursive script, appearing to read "Carol Kremer".

CAROL KREMER  
CLERK OF THE DISTRICT COURT