

IN THE DISTRICT COURT OF THE UNITED STATES, FOR THE
DISTRICT OF NEBRASKA, OMAHA DIVISION

UNITED STATES OF AMERICA,)
)
 Petitioner,)
)
 vs.)
)
 A CERTAIN PARCEL OF LAND SITUATE)
 IN THE NE¼ OF THE SW¼ OF SEC-)
 TION 23, TOWNSHIP 15 NORTH,)
 RANGE 13 EAST OF THE 6TH P. M.,)
 OMAHA, DOUGLAS COUNTY, NEBRASKA,)
 AND CHICAGO, BURLINGTON & QUINCY)
 RAILROAD COMPANY, et al,)
)
 Defendants.)

NO. 545 CIVIL

JUDGMENT ON DECLARATION OF TAKING

Now, on this 26th day of June, 1944, this cause coming on to be heard upon the motion of Joseph T. Votava, United States Attorney in and for the District of Nebraska, and A. Z. Donato, Special Attorney, Department of Justice, attorneys for the petitioner herein, to enter judgment on the declaration of taking filed in the above entitled cause on the 26th day of June, 1944, and for an order fixing the date when possession of the perpetual right of way or servitude herein described is to be surrendered to the United States of America, and upon consideration thereof, and of the condemnation petition 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 purposes as set out and prayed in said petition;
- SECOND: That a petition in condemnation was filed at the request of Reconstruction Finance Corporation, the authority empowered by law to acquire the lands described in said petition, and also under authority of the Attorney General of the United States;
- THIRD: That said petition and declaration of taking state the authority under which, and the public use for which said perpetual right of way or servitude is taken; that Reconstruction Finance Corporation is duly authorized and empowered by law to acquire rights of way or servitudes such as is described in the petition for the purpose of the location, construc-

tion, operation, maintenance and patrol of a pipe line or pipe lines for the transportation of water, oil, gas, petroleum products, or any other material or substance which can be transported through a pipe line in connection with the alcohol plant under construction by the Defense Plant Corporation in Omaha, Nebraska, and for such other uses as may be authorized by Congress or by Executive Order, and that the Attorney General of the United States is the person authorized by law to direct the institution of such condemnation proceeding;

FOURTH: That a proper description of the lands in, over, and across said perpetual right of way or servitude is 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 said public use;

SIXTH: That a plat showing the lands in, over, and across which said perpetual right of way or servitude is sought to be 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 said perpetual right of way or servitude in the amount of \$10.00, and that said sum was deposited in the registry of this court, for the use of the persons entitled thereto, upon and at the time of the filing of said declaration of taking.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that the title to said perpetual right of way or servitude vested in the United States of America upon the filing of said declaration of taking, and the depositing in the registry of this court, of the amount of the estimated just compensation, and that said perpetual right of way or servitude sought to be taken, and the land in, over, and across which said right of way or servitude is sought to be taken, are described as follows:

A perpetual right of way or servitude in, over and across the right of way of the Chicago, Burlington & Quincy Railroad Company, in Douglas County, State of Nebraska, at or near the point hereinafter described, together with all incidental rights for the location,

construction, operation, maintenance and patrol of a pipeline or pipelines for the transportation of water, oil, gas, petroleum products, or any other material or substance which can be transported through a pipeline:

Approximately 143 feet north of the north line of Jones Street in the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ of SW $\frac{1}{4}$) of Section 23, Township 15 North, Range 13 East of the 6th P.M., Omaha, Douglas County, Nebraska, measured along the westerly side or boundary of the Railroad Company's right of way, such perpetual right of way or servitude following a South 64° 13' West course.

And that said perpetual right of way or servitude is deemed to have been condemned and taken for the use of the United States of America, and the right to just compensation for the property taken, upon the filing of the declaration of taking, and making of the deposit, vested in the persons entitled thereto, and the amount of compensation shall be ascertained and awarded in this proceeding and established by judgment herein pursuant to law; and

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that possession of the above described right of way or servitude shall be surrendered to the United States of America, and its duly authorized agents forthwith.

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

J. A. Donohoe

UNITED STATES DISTRICT JUDGE.

Filed at 4:00 P. M.
Jun 26 1944,
Mary A. Mullen, Clerk.

United States of America }
District of Nebraska } ss:
..... Omaha Division }

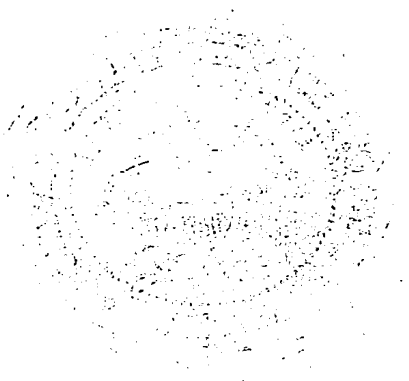
I, Mary A. Mullen, Clerk of the District Court of the United States for the District of Nebraska, do hereby certify the foregoing to be a true and correct copy of Judgment on Declaration of Taking in Civil 545, United States of America, Petitioner, vs. A CERTAIN PARCEL OF LAND SITUATE IN THE NE $\frac{1}{4}$ OF THE SW $\frac{1}{4}$ OF SECTION 23, TOWNSHIP 15 NORTH, RANGE 13 EAST OF THE 6th P. M., OMAHA, DOUGLAS COUNTY NEBRASKA, AND CHICAGO, BURLINGTON & QUINCY RAILROAD COMPANY, et al, Defendants,

as the same appears of record in my office.

WITNESS my hand and the seal of said Court at Omaha,
in said district this 27th day of June, 1944.

Mary A. Mullen
Clerk

By _____
Deputy



16 ENTERED IN NUMERICAL INDEX AND RECORDED IN THE REGISTER OF DEEDS OFFICE IN DOUGLAS COUNTY, NEBRASKA
30 DAY June 19 44 AT 3:06 P. M. THOMAS J. O'CONNOR, REGISTER OF DEEDS

1.45